(112)

PART IV

SEC 1-CT+EXO

SEP TO DECEMBER

PART IV

Section 1—C + E* ordinary

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 19th August 1967.

NOTIFICATION

No. 82/MY/10/67.—In pursuance of Section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 24th July, 1967 by the High Court Mysore, Bangalore, in Election Petition No. 10 of 1967.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the 24th day of July 1967.

Before

THE HON'BLE MR. JUSTICE G. K. GOVINDA BHAT.

Election Petition Number 10 of 1967

Kattimani Chandappa Jampanna,
Settlement, Hubli. ... *Petitioner.*

Vs

1. Laxman Siddappa Naik, Yeddalgudi Post, Ankalgi, Taluk Gokak.
2. Parasappa Hanmanth Karaning, Konnur, Konnur Post, Taluk Gokak.
3. Patil Shivangowd Malgowd, Gujanal village, Ankalgi Post, Taluk Gokak. ... *RESPONDENTS.*

Election Petition under sections 81, 84, 100 and 101 of the Representation of the People Act, 1951 praying that the election of the First-Respondent may be set aside and the petitioner may be declared duly elected to the Mysore Legislative Assembly and to award the costs of this Petition.

This petition coming on this 24th day of July 1967 for final disposal before the Hon'ble Mr. Justice G. K. Govinda Bhat in the presence of Sri B. Basavalingappa, Advocate for the Petitioner and Sri V. Krishnamurthy, Sri C. M. S. Desai and Sri B. B. Mandappa, Advocates for the Respondent-1.

This Court made the following ;

ORDER

In the General Elections held in February 1967, No. 192 Gokak Assembly Constituency was reserved for members of the Scheduled Tribes specified in para 2 of Part VIII of the Constitution (Scheduled Tribes) Order, 1950 hereinafter called the 'Scheduled Tribes Order'. The petitioner, Respondents 1 to 3 and two others had filed nominations for the reserved seat. The petitioner objected before the Returning Officer to the Respondents' nominations on the ground that they were not qualified to be chosen to fill the reserved seat since they were not members of any of the specified Scheduled Tribes that in fact they belonged to the 'Bedar' caste. The Returning Officer overruled the said objection and accepted the nominations of the respondents as also of one Bhimgouda Mallagouda Patil who subsequently withdrew from the contest within the time allowed under Section 37 of the Representation of the people Act, 1951, hereinafter called the 'Act'. It may be mentioned that the nomination of one other candidate viz., one Kaushalya Devi was rejected by the Returning Officer. Thus the petitioner and the respondents were the four contesting candidates in the elections held on 15th February 1967.

2. In the poll held the result of which was declared on February 22, 1967, Respondent No. 1 Laxman Siddappa Naik was declared to have been duly elected to fill the seat in the Gokak Assembly Constituency reserved for scheduled Tribes.

3 On April 7, 1967 the petitioner preferred the above Election Petition challenging the election on the ground that the

Respondents were not qualified to fill the seat reserved for the Scheduled Tribes and that the Returning Officer had impr perly and illegally accepted their nominations ; he has prayed for the relief of declaration that the election of Respondent No. 1 the returned candidate is void and further that the petitioner may be declared to have been duly elected.

4. The case of the petitioner is that Respondent No. 1 as also Respondents 2 and 3 who were the contesting candidates are not members of any of the Scheduled Tribes specified in para 2 of Part VIII of the Scheduled Tribes Order and that in fact they belonged to 'Bedar' caste which is not a Scheduled Tribe specified in the Scheduled Tribes Order. The petitioner's further case is that among the contesting candidates, he alone was the qualified candidate to fill the reserved seat and that the votes cast in favour of respondents ought to be regarded as 'thrown away' votes and consequently it should be held that in fact the petitioner received a majority of the valid votes and therefore he should be declared to have been duly elected.

5. Respondents Nos. 2 and 3 though served with notice of the Election Petition did not enter appearance, they appeared only at the stage of arguments and submitted that they do not contest the case of the petitioner that the Respondents belong to the 'Bedar' caste. Respondent No. 1 alone has contested the Election Petition. By his written statement, he has contended that he belongs to the 'Nayaka' community which according to him is one of the communities specified in the Scheduled Tribes Order and therefore he was qualified to fill the seat. With reference to the specific allegation of the petitioner that Respondents belong to the 'Bedar' caste, Respondent No. 1 has stated in his written statement that 'Nayaka' also are referred to as 'Bedars'. He has not denied that Respondents Nos. 2 and 3 are not members of the 'Bedar' caste as alleged by the petitioner and he has merely put the petitioner to proof.

6. On the pleadings, the following issues were settled :

(1) Are the Respondents 1 to 3 not members of the Tribal community specified in entry No. 13 of part VIII of the Constitution (Scheduled Tribes) Order 1950 ?

(2) If the answer to Issue No. (1) is in the affirmative, is the Election petitioner entitled to be declared as elected ?

(3) What reliefs ?

7. The petitioner examined four witnesses besides himself. Respondent No. 1 examined himself and adduced no other evidence except producing Exhibits R-1 to R-3.

8. The definite case of the First Respondent was that he belongs to the tribe specified in Entry No. 13 of the Scheduled Tribes Order. The short question for decision therefore is whether Respondent No. 1, the returned candidate, is a member of the tribes specified as 'Naikda or Nayaka' in the Scheduled Tribes Order.

9. Clause (a) of Section 5 of the Act *inter alia* provides that in the case of a seat reserved for the Scheduled Tribes of a State, a person shall not be qualified to be chosen to fill the reserved seat unless he is a member of the Scheduled Tribes of that State. A candidate to fill a seat in a reserved constituency is required to make a declaration in his nomination paper the particular tribe of which he is a member and the area in relation to which that tribe is a Scheduled Tribe of the State [*Vide* Section 33 (2) of the Act].

10. Article 342 (1) of the Constitution of India has conferred the power on the President to specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of the Constitution be deemed to be Scheduled Tribes in relation to any State or Union Territory, as the case may be. In exercise of the said power the President after consultation with the Governors of the States concerned has made the Constitution (Scheduled Tribes) Order, 1950. Paragraph 2 of the said Order states that 'the Tribes or Tribal communities, or parts of or groups within Tribes or Tribal communities specified in parts I to XIV of the Schedule to the Order shall, in relation to the States to which those parts respectively relate, be deemed to be Scheduled Tribes so far as regards members thereof resident in the localities specified in relation to them respectively in those parts of that Schedule. Part III of the Schedule to the Order published in 1950 specified the names of 24 tribes in relation to the then state of Bombay. Entry No. 15 of Part III specified 'Naikda or Nayaka' as one of Scheduled Tribes in relation to Bombay State as existing on 26th January 1950. On the Reorganisation of States by the States Reorganisation Act, 1956, the districts of Belgaum, Bijapur, Dharwar and Kanara were included in the State of Mysore. In the year 1960 there was a further division of Bombay State into

the linguistic States of Gujarat and Maharastra. Consequent on the said reorganisation of States, the Constitution (Scheduled Tribes) Order, 1950 was amended in 1956 and 1960. As a result of the said amendments, 19 out of the 24 tribal names specified in Part III of the Scheduled Tribes Order as notified originally, were shown in para 1 of Part IV in relation to the Bombay area of Gujarat State, Part VII-A, para 1 in relation to the Bombay area of Maharastra States and para 2 of Part VIII in relation to the Bombay area of Mysore State. The names of five tribes found in the original Order were deleted and entry No. 15 in the original order specifying 'Naikda or Nayaka' has been shown at entry No. 13 in Parts IV, VII-A and VIII aforesaid. It is relevant to state that though the original order shows 'Naikda or Nayaka, as one of the Scheduled Tribes, the amended, Order given the following description of the Tribe.

"Naikda or Nayaka including Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka and Nana Nayaka."

After the President has specified the Scheduled Tribes, it is only the Parliament that is competent to include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) of Article 342 of the Constitution. The Parliament by law has not made any alteration in the Scheduled Tribes Order issued by the President. Article 342 of the Constitution is in ***Parimateria*** with Article 341 which deals with Scheduled Castes by The scope of Article 341 of the Constitution has been interpreted the Supreme Court in BASAVALINGAPPA *V.* MUNI. (1) CHINNAPP and BHAIYALAL *V.* HARIKISHNA SINGH (2). In the said decisions, it has been laid down that in order to determine whether or not a particular caste is a scheduled caste within the meaning of Article 341, one has to look at the published notification issued by the President and it would not be open to any person to lead evidence to establish that any particular caste not specified in the Order is a part of the caste notified in the Order. The same principles ought to govern the scope of enquiry in relation to the Order issued under Article 342 (1) by the President.

11. P. W. 1 Bheemappa Padiappa Naik has stated that he belongs to 'Cheluvadi' caste and that members of the 'Cheluvadi'

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(1) A. I. R. 1965-SC 1269
(2) A. I. R. 1965-SC 1557

caste are also called Nayaks. P. W. 2 Laxman Narayan Naik who belongs to the Lambani caste has stated that Lambanis are also called as Nayaks. P. W. 3 Nallappa Somappa Naik who is a member of the Kuruba community has stated that one section of the Kuruba community is also called Nayaks. P. W. 4 Krishnappa Bommayya Naik stated that he belongs to the 'Naikda or Nayaka' community of North Kanara District. In his cross-examination. he admitted that he has not brought any record to show that he belongs to 'Naikda or Nayaka, community though there are about 400 people belonging to his community in Ankola. P. W. 5 who is the petitioner has stated that Respondent No. 1 and the other respondents belonging to the 'Bedar' caste, that sections of the Bedar caste are also called 'Nayaka' Makkalu' or Valmiki' or 'Talwars' P. W. 3 has also stated that Bedars' are called as 'Talwars' or Valmiki, or 'Nayaka-Makkalu.'

12. Petitioner has produced Exhibit P-1 which is a certified extract of the Births and Deaths Register of Arabhavi village in Gokak Taluk relating to the birth of a child named Anusuya on 2nd March 1952 whose father's name under Column 6 is shown as Lakshman Siddappa Naika, Yeddalagudda. Under Column 7 the caste of the child is shown as 'Bedar', Respondent No. 1 as R. W 1 has denied that Exhibit P-1 relates to his child. R. W. 1 has statad that he had no child by name Anusuya and that he has only one child alive now and that child's name is Shakuntala who was born in the year 1950 in Poona. R. W. 1 has furth stated that his two other children were, one Shivanaika born in 1952 and Lakkavva born in 1954 and both of them are not alive now. R W. 1 was not cross-examined with reference to has denial that Exhibit P-1 does not relate to him. Therefore Exhibit P-1 is of no assistance to prove the caste of Respondent No.1.

13. Petitioner has further produced Exhibit P-2, a certified extract of the School Leaving Certificate of one Lakshmappa Siddappa Naik issued by the Head Master of Ankalgi Government Primay Boys' School, Exhibit P-2 shows that one Lakshman Siddappa Naik of Bedar Caste was a student in that school from 2nd December 1943 till 9th May 1946 and when the pupil left the school, he was studying in the 7th standard. The date of birth of the pupil is shown as 6th October 1930. Respondent No. 1 has denied that Exhibit P-2 relates to him. He has also denied that he ever studied in Ankalgi Government Primary School. According to R.W. 1, he joined the Primary School at Yeddalagudda in 1938

and left the same in 1942. Apart from the fact that the petitioner has not summoned the original of Exhibit P-2 and he cannot prove Exhibit P-2 in the absence of the proof of its original, there is no evidence to establish that Exhibit P-2 relates to Respondent No. 1 or that he ever studied in the Ankalgi Government Primary School. Exhibits P-1 and P-2 are the only documents produced by the petitioner to prove that Respondent No. 1 is of the 'Bedar' caste. Since the documents have not been proved as relating to Respondent No. 1, they are of no assistance for the decision of this case.

14. Respondent No. 1 has produced Exhibit R-1, a certified extract from the Births and Deaths Register of Sulidhal village of Gokak Taluk, which shows that a male child named Lakshmya was born on 10th August 1928; the child's father's name is given as Sidda Lakkappa Yeddalagudda. R.W. 1 has stated that his father's father was Lakkappa, that his present age is 38 years and on that statement, he has not been cross-examined therefore, Exhibit R-1 can be accepted as relating to the birth of Respondent No. 1. Petitioner's learned council did not argue that Exhibit R-1 does not retate to the birth of Respondent No 1. Petitioner's learned counsel merely challenged the corrections of the entry in Column 7 under the heading 'caste'; his contention was that the entry giving the child's caste as 'Nayak' (ನಾಯಕ) was a subsequent alteration made in the original register. I summoned the original of Exhibit R-1 in order to make sure that there has been no tampering of the entry in Column 7.

The Register of Births and Deaths of Sulidhal village for the year 1928 was produced by the Tahsildar of Gokak through C. W. 1 in a sealed cover. The original register was marked Exhibit C-1. On a comparison of Exhibit R.1 with the entry in serial No. 37 in Exhibit C-1, I am satisfied that Exhibit R 1 is a correct copy. C. W. 1, a clerk in the office of the Tahsildar, Gokak, who produced Exhibit C-1, has stated that Exhibit C-1 was kept in the custody of the Tahsildar with two or three similar registers and that oridinarily Registers of Births and Deaths are kept in the custody of the Aval Kharkoon. C. W. 1 also stated that he does not know the reason why Exhibit C-1 was kept in the custody of the Tahsildar.

15. Exhibit R-3, the order of the Returning Officer makes mention of the 3rd Respondent having asked for calling certain records to show that the original rigister had been tampered.

Respondent No. 1 had produced Exhibit R-1 before the Returning Officer in support of his claim that he is a member of the 'Nayaka Tribe'. It was submitted by the learned counsel for the Petitioner that the said objection of Respondent No. 3 was to the alteration made in Exhibit C-1 under the column 'caste' with reference to entry No. 37 therein. The petitioner's learned counsel submitted that the writing under column No. 7 with respect to entry No. 37 shows signs of erasure and over-writing. I have marked that entry in red pencil. On a close examination of the writing under column 7 relating to entry No. 37 in Exhibit C-1, I find that the original entry has been erased and the word 'Nayak' (ನಾಯಕ್) is an over-writing. I noticed that the first letter of the word was originally 'ಬೆ' and that has been erased and the word 'ನಾ' has been over-written. There is no evidence as to when this erasure and over-writing was done; but the fact remains that the original entry with respect to the caste of Respondent No. 1 was shown as 'Bedar', that the word 'Bedar' was erased and over-written as 'Nayak'.

16. Exhibit C-1 shows that during the year 1928, there were 58 births and deaths in Sulidhal village and that 24 persons belonged to the 'Bedar' caste. There is no other entry apart from the over-written entry relating to Respondent No. 1 showing the caste of any person as 'Nayak'. In view of the suspicious nature of the entry in Exhibit C-1 showing the caste of Respondent No. 1 as 'Nayak', no reliance can be pleaded on Exhibit R-1 relied on by him before the Returning Officer and also in this Court in proof of his claim that he belongs to the 'Nayak' Tribe. In this Court he has not produced any other evidence in support of his claim that he belongs to 'Nayak' tribe. He has admitted in his evidence that he studied in Yeddalagudda Primary School during the years 1938 to 1942; but he has not produced his School Admission Register or his School Leaving Certificate, despite the fact that the petitioner had contended before the Returning Officer that he was not a member of the Scheduled Tribe and that in fact he is of 'Bedar' caste.

17. Respondent No. 1 has admitted in his cross-examination that his community is not called 'Naikda' but only 'Nayaka'. He has also admitted that he stated before the Returning Officer that he belongs to 'Nayaka' caste and not to 'Naikda' tribe. He has further stated that there is no 'Bedar' caste in Belgaum District

and he does not know whether 'Bedars' are called as 'Talwars' or 'Valmikis' or 'Nayaka Makkalu'. He proceeded to state:

> "The members of the Nayaka community in our District are also called as Bedars because of their profession. There is inter-marriage in the Naik community including those who profess hunting as their profession and who are called Bedars. I deny the suggestion that I am a Bedar and I have given a false declaration that I am a 'Nayaka'."

To the Court question whether he knows any community of the name 'Cholivala Nayaka', 'Kapadi Nayaka', 'Mota Nayaka' and 'Nana Nayaka', his answer was that he does not know. He also stated that there is no sub-sect in the Nayaka community. To the Court question whether in Gokak Taluk there are people called as 'Bedars', his answer was that there are such people so called by reason of their profession. Again, in answer to a Court question as to what community those Bedars belong, his answer was that they belong to 'Nayaka' caste. I put him the question whether in Bombay-Karnatak Districts apart from his community there is any other community going by the name 'Naikda or Nayaka' and his answer was that he does not know. The total population of Nayak community in Gokak Constituency according to him is about 30 to 35 thousand and the members of that community are mazdoors, wood-cutters or cultivating tenants.

18. I now refer to the relevant portions of the pleadings of Respondent No. 1 in answer to the case of the petitioner that Respondent No. 1 is not qualified to fill the reserved seat.

> "3.....It is submitted that the Respondent belongs to 'Nayaka' community which is one of the communities as contained in the Constitution (Scheduled Tribes) Order 1950. It is therefore submitted that this Respondent is entitled to be elected from the constituency reserved for Scheduled Tribes.
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> x x x x
>
> 5. It is true that Gokak Assembly Constituency was reserved for Scheduled Tribes and the candidates belonging to Scheduled Tribe community alone are entitled to contest the Assembly seat from the said constituency. This Respondent belongs to Nayaka

community which is one of the 19 communities specified in the Constitution (Scheduled Tribes) Order 1950. Therefore, it is not correct to say that this Respondent has declared in his nomination paper falsely as belonging to Nayaka tribe. It is true that an objection was taken at "the time of the scrutiny of the nomination paper *viz.*, that this Respondent does not belong to Scheduled Tribe but the Returning Officer over-ruled the objection after perusing certified copy of the birth extract produced by this Respondent and accepted the nomination of this Respondent since he belongs to Nayaka community which is one of the communities as specified in the Constitution (Scheduled Tribes) Order 1950 as amended by the Act 63 of 1956.

x x x x

11. This Respondent belongs to Nayaka community which community is specified in the Scheduled Tribes Order as such. As a matter of fact Nayaks also are referred to as Bedars. The total percentage of Scheduled Tribes population in Gokak Constituency in the last Census report is nearly 14.95 per cent, there are large number of people belonging to Nayaka community to which this Respondent belongs and as a result of which the percentage of the Scheduled Tribes in the Constituency has gone very high. It is submitted that there are hardly one or two per cent population of people belonging to the communities specified in the Constitution (Scheduled Tribes) Order, 1950, other than the Nayak community. It is therefore submitted that a very large section of the Scheduled Tribe population in the Taluk belongs to Nayaka community and no other community is meant to be included. If the people belonging to Nayaka community who are also called as Bedars are excluded, the percentage of Scheduled Tribes in the Gokak Assembly Constituency may not be even 2 to 3 per cent....."
(Underlining is mine).

19. From the pleadings and the evidence of Respondent No. 1, it is clear that his contention is that there is no caste or community by name 'Bedars' in Belgaum District but the community to which he belongs is called 'Nayaka' community and the said community is also known as 'Bedars'.

20. Exhibit C-1 shows that the evidence of Respondent No. 1 that there is no caste known as 'Bedar' caste in Belgaum District is false. Out of the 58 entries of births and deaths in Sulidhal village in the year 1928, 24 persons have given their caste as 'Bedars'. All authorities on Castes and Tribes, Government Gazetteers and Orders of Government clearly go to establish the fact that in the Districts of Bijapur, Belgaum and Dharwar in the new State of Mysore there is a caste by name 'Bedar or Berad' and that sub-sections of that caste are also called 'Talwars', 'Valmikis', Nayaka-Makkalu' and 'Nayakwadis', etc., and that there is no caste as 'Nayaka' caste who are also known as 'Bedars'.

21. Census Reports of Bombay Presidency to which I will refer in detail, clearly establish that there is a primitive tribe known as 'Naikda' in certain parts of the erstwhile Bombay State. J. H. Hutton, who was the Census Commissioner in India in 1931, in his book 'CASTE IN INDIA (Fourth Edition, 1963)' has given a Glossary of the castes in India. At page 277, 'Bedar' is described as a Kanarese fighting caste of Southern India (=Boya). In the said Glossary of castes, there is no mention of a tribe or caste by name 'Nayaka'.

22. Sri V. Krishna Murthy the learned counsel for Respondent No. 1 argued that Section 15 of the Census Act, 1948 is a bar to the Court looking into the Census Reports and placing reliance on the information contained therein. Section 15 of the Census Act reads:

> "*15. Records of census not open to inspection nor admissible in evidence.*—"No person shall have a right to inspect any book, register or record made by a Census Officer in the discharge of his duty as such or any schedule delivered under Section 10, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872 no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act."

The first part of the Section lays down that no person shall have a right to inspect any book, register or record made by a Census Officer in the discharge of his duty as such. The second part of the said Section lays down that no entry in any such book, register or record made by a Census Officer in the discharge of his duties shall be admissible as evidence in any civil proceeding whatsoever. Section 4 of the Census Act empowers the Central Government to appoint a Census Commissioner to supervise the taking of the census throughout the area in which the census is intended to be taken and the Superintendents of Census Operations to supervise the taking of the census within the several States. The said Section also empowers the State Government to appoint persons as Census Officers to take or supervise the taking of the census within any specified local area. Section 15 says that the Records of Census made by a Census Officer shall not be open to inspection nor admissible in evidence. The reports of Census in India prior to the coming into force of the Constitution were made by the Superintendents of Census Operations for each Presidency or Province as the case may be. The said Reports are printed and published by the Government and are available for sale to the Public. The reports of Census compiled by the Superintendents of the Census operations do not fall within the scope of Section 15 of the Censns Act and therefore the Objection of the learned counsel in my opinion, is untenable

23. While Article 341 of the Constitution of India provides for specification of the names of Scheduled Castes, Article 342 provides for specifying the names of the Scheduled Tribes. The term 'Tribal peoples is a novelty in the census literature of India but it is no more than a mere substitute for the word 'Animist' formerly employed (*vide* Census of India, 1931. Vol. VIII—Part I Bombay Presidency—General Report, page 355).

24. Report of Census of India, 1911, Volume VII—Bombay, Part I contains valuable information regarding the 'Naikda' tribe also called 'Nayaks'. At page 293 of the said Report, there is the following information pertaining to 'Naikda' Tribe:

> "NAIKDAS (48258), also called Naiks, are found chiefly in the Panch Mahals, Rewa Kantha and Surat. The name Naikda or little Naik was probably given them to mark the distinction between them and the Broach Talabada Kolis who were formerly known as Naiks. The tribe is undoubtedly of primitive origin, much

mixed from various sources. In the beginning of the last century they were almost in a savage condition. caring little for the customs and usages of social life. They have since settled down as labourers and wood-cutters. A few own bullocks and ploughs, and practise fixed cultivation. Marriages are prohibited within two to seven degrees of relationship. Marriage with a father's sister's, mother's sister's and mother's brother's daughter is not allowed. Marriage with a wife's sister is allowed and brothers are allowed to marry sisters. Marriage is adult. In many cases they do not perform any marriage ceremony. If a girl reaches the age of sixteen and her parents have not betrothed her, she may go and live with any man she chooses, and if he agrees agrees to pay Rs. 17 no objection is raised. If a maid commits an indiscretion with a tribesman, she is married to the man. But if the man refuses to marry her, some four or five elders of the tribe are summoned, the man takes the girl on his lap in their presence and repeates the word 'mother' seven times. He is then suckled by the girl, and is allowed to regard her as his mother. The offer of marriage comes from the boy's father who has to pay a sum of Rs 10 to 30 to the girl's father. The binding portion of the marriage ceremony consists in the bridal pair walking four times round the sacrificial fire and in feeding each other five times with *Kansar* (a kind of sweetmeat) or rice. The remarriage of widow is permitted. A widow may marry a younger brother or any other relative of her deceased husband. Divorce is allowed. Naikdas eat all kinds of flesh including beef, large black ants, squirrels and monkeys. They do not eat the flesh of the ass, crow and snake. They are much given to mahuda spirit and at their festivals drink to excess. Bhils take water at their hands It appears from the Bombay Gazetteer that they eat with Musalmans and that a Naikda guilty of taking his meals with a Dhed, Chamar or Bhangi would be re-admitted into his tribe by giving a dinner to it. They admit members from Bhils, Kolis and other castes. ***In religion they stand on the border line between Hinduism and Animism.*** They have

taken to the worship of goddesses such as Kalika, Amba Mata and Maha Kkali. They respect the tiger and swear by its name. They have yards known as *Khatris* where rude images of deceased ancestors are installed and worshipped. They show no respect for "Brahmans and even have a saying that the death of *Tilak*-wearer is equivalent to feeding 100 persons. The dead are burnt except children under two years old, who are buried. They do not perform any memorial ceremony for the propitiation of deceased ancestors."

(Underlining is mine).

At pages 231-232 of the same Report, there is the following information regarding '*Berads*'.—

"BERADS (18i871), Bedars or Beds are found chiefly in the Belgaum, Dharwar and Bijapur Districts. The term Bed (Kan. Bedaru) seems to mean hunters from BETA (hunting). The members of the tribe call themselves Naikamakkalu, that is, chief's children. They are also known as Naikwadis, Talwars and Valmikas, the first and last of which are applied to the Ramoshis also. This and the fact that the Berads and Ramoshis follow similar occupations and have a common division named Halge, seem to show that they had a common origin but became separated by the barriers of residence and language. The connection seems to have been closed when a Dravidian tongue was spoken in the Deccan. The Berads also appear to be closely allied to the Telugu Boyas and the Tamil Vedans. All these tribes except the Ramoshis claim descent from Kanayya. According to Buchnan the Kadambas of Banawasi were Berads. History relates that after the fall of Vijayanagar the Berads plundered the town for many days. Their staunch loyalty to their chiefs won the admiration of Hyder Ali, who converted them to Islam and formed battalions of the Bedar Boyas or Chelas. Medows Taylor, in the STORY OF MY LIFE, describes the Berads as the ruling tribe, tribe in the State of Shorapur in the Nizam's Territory In the early years of British rule the Berads caused some trouble, but were reduced to order in 1820. They are still notorious as thieves and highway robbers.

Some are husbandmen, some village-watchmen or TALVARS holding free grants of land, some are PATILS, some are labourers, and a few are hunters and snarers. They have six endogamous divisions—(1) Proper, (2) Durgarmurgi, (3) Halge (4) Jas or Myasa, (5) Naikmakkalu and (6) Ramoshi—none of which eat together or inter-marry. They have several exogamous divisions known as BEDAGUS, many of which are found among the Berads of Mysore, thus showing their identity. Marriage with a sister's and mother's brother's daughter is allowed. A man may marry his wife's sister. Marriage is generally infant Girls are at times kept unmarried and dedicated to Maruti or Yallamma. They are called Basavis or Jogatis and lead immoral lives. The boy's parents have to a bride-price of Rs. 100 to the girl's parents. The essential portion of the marriage consists in throwing grains of rice over the heads of the bride and bridegroom. The marriage of widow is permitted. Divorce is allowed. Except in Bijapur, Berads eat the flesh of cows, buffaloes and pigs. They drink liquor to excess. The highest well known caste who will eat, drink or smoke with Berads is the Korava. Musalmans do not eat out of the hands of Berads, but Berads have no objection to accepting food from Musalmans. Members of higher castes, such as Kurubs, Kabbaligars, Vakkals, etc., are admitted into the tribe. The favourite deities of Berads are Durgavva, Mallikarjuna, Maruti,' Yallamma and Khandoba. Their priests are Brahmans . In some places Lingayat, Mathapatis are employed to conduct the death ceremonies. The dead are either burnt or buried. For the propitiation of deceased ancestors tribesmen are feasted on the new moon of either BHADRAPAD, ASHVIN or FALGUN. The Berads of the Sholapur district settle their social disputes at meetings of the village castemen with the most influential member as the headman who is called RAJA. Sometimes castemen from several villages assemble, such an assembly being called DAIVA. The penalties imposed on offenders are caste dinners and fines. About two years ago a Berad of Bhalvani in the Phandharpur Taluka was excommunicated for eating beef and was re-admitted on payment

of a fine of Rs. 50. The social disputes of the Berads of the Bijapur district are settled by their GURUS, of whom there are several. An appeal lies from the decision of a GURU to the head GURU who lives at Hardi, a hill village in Hungund Taluka."

A table of castes classified according to their professional occupations is given in Subsidiary Table I at page 209 of the same Report. Under the classification of cultivators, 'Berad' or 'Bedar' is one of the castes mentioned and their strength is shown as 1,84,871.

25. The Report of Census of India, 1921, Volume VIII, Bombay Presidency, Part II, contains a table of castes and tribes. At page 186 of the said Report 'Naikda' Tribe is mentioned and the locality where the said 'Naikda' Tribe inhabits is shown as Pancha Mahals, Surant District, Reva Kantha and Surat Agency. The caste 'Berad' or 'Bedar' is given in the same report at page 184 and the locality inhabited by the said caste shown are Belgaum, Bijapur, Dharwar, Kolhapur and S.M.C. States.

26. The General Report of Census of India, 1931, Volume VIII, Part I-Bombay Presidency-contains valuable information regarding Tribal Peoples. At pages 355-358, it is seen that the Government of Bombay had appointed a Committee to investigate the conditions of Depressed Classes and the Aboriginal Hill Tribes in the Presidency and the said Committee had definitely classified the following communities as Aboriginal and Hill Tribes :—

1 Adwichincher Pardhi
2 Barda
3 Bavcha
4 Bhil
5 Chodhra
6 Dhanka
7 Dhodia
8 Dubla
9 Gamit or Gamta
10 Gond
11 Katkari or Kathodi
12 Kokna
13 Koli Mahadev
14 Mavchi
15 Nayak or Naikda

16 Phanse Pardhi
17 Patelia
18 Pomla
19 Rathawa
20 Thakur
21 Tadvi Bhil
22 Valvi
23 Varli
24 Vasava

The report goes on to state that of the above 24 tribes 5 are Hindus one is a Muslim. 'Nayaka' or 'Naikda' is one of the tribes classified as aboriginal and hill tribe and according to the Census Report the members of the said tribe are not Hindus. The population of 'Nayaka' or 'Naikda' tribe in 1931 is shown at 57,247. Appendix F of the said Report gives the caste indexes in the Bombay Presidency. Under the heading Hindu Backward castes, the caste 'Berad' (Bedar, Byadar, Talwar, Walmiki, Naikmakkalu) is mentioned (*vide* page 521 of the Report). It is also seen at page 521 that 'Berads' are also known as Bedar, Byadar, Talwar, Walmiki and Nayakmakkalu. Their habitation is shown as 'Deccan'. Under the same Appendix F at page 529 of the Report the 'Naikda' community is also shown and their habitation is given as Gujarat and West Khandesh.

27. The Bombay Gazetteer relating to the Karnataka Districts *viz.*, Dharwar, Belgaum, Bijapur and Kanara published by the Government of Bombay (Kannada Edition) in 1893 shows that among the members of the Bedar caste inhabiting Bombay Karnatak area there are the following sub-divisions:

(1) Maragi Bedar,
(2) Dasa Bedar and
(3) Nayaka-Makkalu.

(*Vide* page 199 of the Bombay Karnatak Gazetteer in Kannada published by the Government of Bombay, 1893).

28. I will now refer to some of the Government Orders issued by the Government of the New State of Mysore for the purposes of Article 16 (4) of the Constitution of India. Govenrment Order No. ED 79 TGL 59 dated 22nd July 1959 fixes the percentage of posts for the socially and educationally backard communities and for Bedar caste 2.6 per cent of the posts have been reserved under the said Government Order.

Government Order No. ED 60 TGL 60 dated 9th June 1960 gives in its annexure a list of socially and educationally backward classes other than the Scheduled Castes and Scheduled Tribes. Item No. 2 of the Annexure to the said Order reads thus:

> "2. Bedaru, Nayak (Naik), Boya, Vedan, Bendar, Berad, Valmiki, Talwar, Naickmakkalu, Naikwadi, Palayagar".

Bedar caste also known as Nayak, Nayaka Makkalu etc., is listed among the socially and educationally backward classes *other than the Scheduled Castes and Scheduled Tribes.*

29. The detailed Administration Report of the Social Welfare Department for the year 1956-57 published by the Government of Mysore gives a list of other backward classes at pages 53-55. Bedar, Berad, Naika Makkalu, Nayakwadi, Valmiki are all shown among the backward classes of Bombay area of Mysore State. At page 51 of the same Report, a list of Scheduled Tribes in the districts of Belgaum, Bijapur, Dharwar and Kanara is also given and that list corresponds to the Tribes specified in part VIII of the Scheduled Tribes Order.

30. E. Thurston in his treatise 'Castes and Tribes of Southern India Volume I (A and B)', has given detailed information regarding Bedars (*vide* Volume I pages 180-209).

31. Similar information regarding the Bedar caste is contained in the Mysore Tribes and Castes, Volume II by the late H. V. Nanjundayya and Rao Bahadur L. K. Ananthakrishna Iyer 1928 Edition. (*vide* pages 197-230). It is seen from the said book that Bedars or Berads are a hunting and agricultural tribe of Mysore; the name Nayaka or Nayaka Makkalu is sometimes applied to the tribe. At page 200 of this book, it is stated that many of them are employed as village watchmen or Talaris and they are largely found in the Nizam Dominions as also in Belgaum, Bijapur and Dharwar Districts.

32. Hindu Tribes and castes, Volume II by Rev. M. A. Sherring containsthe following information regarding Bedars at page 321:

> "11. Bedar.
>
> These are in the Southern Mahratta country what the Ramisis are in the Dekhan, and the Vasis are in Northern India. They live in villages in general service as sepoys, or as cultivators and labourers. They are

also wattandars in the capacity of village Talwars, Naiks, Hallabs, Shetsannadis, and village watchmen generally; but many are nevertheless secretely gang robbers and highwaymen. They are also styled PANCH GALLA. They have yet to be properly inquired into."

33. From the foregoing Reports, Authorities and Government Orders, it is established beyond doubt that 'Naikda' is a distinct primitive tribe inhabiting Gujarat and west Khandesh area of the erstwhile Bombay State and that Bedar is distinct and separate from 'Naikda or Nayaka" tribe specified in the Scheduled Tribes Order.

34. Respondent No. 1 does not claim that he is a member of the 'Naikda' Tribe. Regarding his claim that he belongs to a community known as 'Nayaka' there is no support for the same either by way of documentary evidence or authoritative reports. As already stated by me earlier, Exhibit R-1, in so far as it gives the caste of Respondent No. 1, cannot be relied on and has to be discarded. On the basis of the admission in his pleadings and his evidence before the Court that his community is also known as 'Bedar', I hold that Respondent No. 1 is a member of the Bedar caste. Respendent Nos. 2 and 3 have not disputed the petitioner's case. Therfore, on Issue No. 1, my finding is that the Respondents are not members of the Scheduled Tribe 'Naikda or Naika' specified in Entry No. 13 in Para 2 of Part VIII of the Constitution (Scheduled Tribes) Order, 1950.

35. The next question, in view of my finding on Issue No. 1 that all the contesting candidates except the petitioner were not qualified to fill the seat in the reserved Constituency, is whether the petitioner who is the only qualified candidate among the contesting candidates, should be declared elected to the said seat?

The grounds for which a candidate other than the returned candidate may be declared to have been elected are expressly mentioned in Section 101 of the Act and under the provisions of the said Section the petitioner is entitled to a declaration that he has been duly elected only if he establishes that in fact he received a majority of the valid votes. The candidates polled the following number of votes:

Petitioner	...	Kattimani Chandappa Jampanna	620 votes

Respondent No. 1	Laxman Siddappa Naik	17,522 votes
Respondent No. 2	Parasappa Hanmantha Karaning	7,044 votes
Respondent No. 3	Patel Shivangowd Malgowd	5,996 votes

36. The respondents were duly nominated candidates and the votes cast in their favour can be rejected as invalid votes only if the petitioner establishes that the votes polled by the respondents must be regarded as 'thrownaway' votes as understood under the Election Law. [(*Vide* KESHAV LAKSHMAN *v.* Dr. DEORAO (3) and SUDHIR KUMAR *v.* ABHOY PADA (4)]. That can be done only where it is established that the electors concerned had knowledge or notice that the respondents were ineligible for filling the seat. The burden of proving that the votes cast in favour of the returned candidate and other contesting candidates are invalid is undoubtedly on the petitioner. Apart from mere allegation in the Petition, the petitioner has adduced no evidence to prove that the voters had knowledge of the fact that the Respondents were not qualified to fill the reserved seat. Therefore, the petitioner is not entitled to the declaration that he has been duly elected.

37. In view of my finding under Issue No. (1) that the returned candidate is not qualified to fill the seat reserved for members of the Scheduled Tribes, the election of Respondent No. 1 is declared void; but the claim of the petitioner to be declared elected at the election held on February 15, 1967 for the seat reserved for the members of the Scheduled Tribes from the Gokak Assembly Constituency is dismissed. Since the petitioner has substantially succeeded and he did not seriously press the relief under Issue No. (2), he is entitled to his costs from Respondent No. 1. Advocate's fee Rs. 650.

G. K. GOVINDA BHAT,
Judge,
July, 24, 1967.

(3) A. I. R. 1960 S. C. 131
(4) A. I. R. 1966 Cal. 141

"Copy"

L. KRISHNA MURTHY
II Deputy Registrar

ELECTION PETITION No. 10 OF 1967.

APPENDIX OF EVIDENCE.

1. *List of witnesses examined for the Petitioner*: Evidence Page No.,

1.	P.W. 1	Bheemappa Padiappa Naik ...	1
2.	P.W. 2	Laxman Narayan Naik ...	3
3.	P.W. 3	Mallappa Somappa Naik ...	5
4.	P.W. 4	Krishnappa Bommayya Naik ...	8
5.	P.W. 5	Kattimani Chandappa Jampanna ...	10-17

II List of witnesses examined for the Respondents:

1.	R.W. 1	Laxman Siddappa Naik ...	1-9

III. List of witnesses examined by the Court:

1.	C.W. 1	M. S. Udeshimath ...	1-3

IV. List of Exhibits marked in the case for the Petitioner:

Exhibit P-1	...	Certified extract of the births and death Register of Arabhavi village, issued by the Tahsildar, Gokak regarding the birth of a child Anusuya.
Exhibit P-2	...	Certified extract of the school leaving certificate relating to Lakshmappa Siddappa Naik.
Exhibit P-3	...	Certified extract of the school leaving certificate relating to Parasappa Hammappa Karninga.
Exhibit P-4	...	Certified extract of the school leaving certificate relating to Shivangoud *alias* Bhimgoud Mallagouda Patil.

V. List of exhibits marked in the case for the Respondents:

Exhibit R-1	...	Certified copy of the extract of the Births and Deaths Register regarding the birth of boy 'Lakshmya' issued by the Tahsildar, Gokak.
Exhibit R-2	...	Certified copy of the nomination filed by Laxman Siddappa Naik, Yeddalagudda.

Exhibit R-3 ... Decision dated 21st January 1967 of the Returning Officer, Gokak, Assembly Constituency regarding the objection of Patil Shivangouda Malgouda.

VI. List of Exhibits marked in the case by the Court

Exhibit C-1 ... Original register of Births and Deaths of Sulidhal village, Gokak Taluk produced by the Clerk of the Office of the Tahsildar, Gokak.

G. K. GOVINDA BHAT,
Election Judge.

By Order,

(Sd/-) K. S. RAJAGOPALAN,
Secretary to the Election Commission,
India.

3237
26-7-1967

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

and Final Examination on 6th 7th, 8th, 9th, 10th, 11th, 13th and 14th, November 1967. The examinations will be held at the following centres, provided that sufficient number of candidates present themselves for the examinations at each of the centres:

1. Ahmedabad	2. Bangalore	3. Bombay
4. Calcutta	5. Coimbatore	6. Delhi
7. Eranakulam	8. Hyderabad	9. Indore
10. Jaipur	11. Kanpur	12. Madras
13. Madurai	14. Poona and	15. Vijayawada.

Applications for admission to these examinations are required to be made on the prescribed forms, copies of which may be obtained from the Secretary to the Council of the Institute of Chartered Accounts of India, Post Box No. 268, Indraprastha Marg, New Delhi-1. Each such application together with the necessary certificates and a demand draft or Ind a Postal Order payable at New Delhi and drawn in favour of the Secretary referred to above. for the examination fee of Rs. 30 in the case of Preliminary Examination, Rs. 55 in the case of the Intermediate Examination and Rs. 80 for admission to both the Groups or Rs. 55 for admission to one Group only of the Final Examination, must be sent so as to reach the Secretary to the Council not later than the 20th September, 1967.

NOTIFICATION.

(DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS).

No. LAW 135 LCR 67, Bangalore, dated 16th September 1967

Ordered that the Indian Electricity (Amendment) Rules, 1967 published in G.S.R. No. 1254, dated 8th August 1967, which has been published in the *Gazette of India*, Part II, Section 3, sub-section (i), dated the 26th August 1967, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

Under Secy. to Govt., Department of

105 *Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA.

MINISTRY OF IRRIGATION AND POWER

(Central Electricity Board)

New Delhi, the 8th August 1967.

G. S. R 1254.—In exercise of the powers conferred by section 37 of the Indian Electricity Act, 1910 (9 of 1910), the Central Electricity Board hereby makes the following rules further to amend the Indian Electricity Rules, 1956, the same having been previously published as required by sub-section (1) of section 38 of the said Act, namely :—

1. (1) These rules may be called the Indian Electricity (Amendment) Rules, 1967.

(2) These rules come into force on the date of their publication in the Gazette.

2. In the Indian Electricity Rules, 1956—

(1) for rule 44A, the following rules shall be substituted namely :—

"44A—*Intimation of accidents.*—If any accident occurs in connection with the generation transmission, supply or use of energy in or in connection with, any part of the electric supply-lines or other works of any person and the accident

results in is likely to have resulted in loss of human or animal life or in any injury to a human being or an animal, such person or any other person authorised by the State Electricity Board in this behalf, shall send to the inspector a telegraphic report within twenty four hours of the knowledge of occurrence of the fatal accident and a written report in the form set out in Annexure XIII, within forty eight hours of the know edge of occurrence of fatal and all other accidents";

(2) in rule 46, in clause (a) of sub rule (1), after the words "in this behalf or", the words "in the case of installations belonging to, or under the control of, the Central Government, and" shall be inserted;

(3) in rule 51, to clause (a) of sub-rule (1) the following proviso shall be added, namely:—

"Provided that rigid non-metallic, conduits conforming to Indian Standards Specification No. I S 2509-1963-Rigid non-metallic Conduits for Electrical Installation, may be used for medium voltage installations, subject to such conditions as the Inspector or Officer appointed to assist an Inspector may think fit to impose.";

(4) in rule 76, in clause a of sub-rule (1) the following shall be inserted at the end, namely:—

"The said owner shall also ensure that the strength of the supports in the direction of the line is not less than one-fourth of the strength required in the direction transverse to the line:

Provided that in the case of latticed steel or other compound structures, factors of safety shall not be less than 1.5 under such broken wire conditions as may be specified by the State Government in this behalf.";

(5) for item 17 of Annexure XIII, the following item shall be substituted namely:—

"17—Whether the work on live lines was undertaken by an authorised person/s. If so, the name and designation of such person/s may be given.".

[No. EL. II-8 (8)/65.]

B. S. R. IENGAR, Secy.

NOTIFICATION.

(DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS).

No. LAW 134 LCR 67, Bangalore, dated 16th September 1967.

Ordered that the Prevention of Food Adulteration (Amendment) Rules, 1967, published in G. S. R. No. 1256, dated 17th August 1967, which has been published in the *Gazette of India*, Part II, Section 3, sub-section (i), dated the 26th August 1967 be republished inthe *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

78 *Under Secy. to Govt.,*
Department of Law and
Parliamentary Affairs.

GOVERNMENT OF INDIA.

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department of Health)

New Delhi, the 17th August 1967.

G.S.R. 1256.—In exercise of the powers conferred by sub-section (2 of section 4, and sub section (1) of section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the Central Government, after consultation with the Central Committee for Food Standards, hereby makes the following rules further to amend the Prevention of Food Adulteration Rules, 1955, the same having been previously published as required by sub-section (1) of section 23 of the said Act, namely :—

1. These rules may be called the Prevention of Food Adulteration (Amendment) Rules, 1967.

2. In rule 42 of the Prevention of Food Adulteration Rules, 1955 (hereinafter referred to as the said rules), after clause (), the following clause shall be inserted, namely :—

"(D) Hingra—Every container containing Hingra shall bear a label upon which is printed a declaration in the following form namely :—

"This container contains Hingra (Imported) from Iran/Afghanistan and is certified to be conforming to the standards laid down in the Prevention of Food Adulteration Rules, 1955."

3. In rules 49 of the said rules, after sub-rule (6), the following sub-rule shall be inserted namely :—

(7) No person shall sell Hingra without a label on its container upon which is printed a declaration in the form specified in rule 42.

4. In Appendix 'B' of the said rules, in item A.04, for the first paragraph, the following shall be substituted namely :—

"Asafoetida (Hing or Hingra) means the oleo-gum-resin obtained from the rhizome and roots of Ferula alliacea, Ferula fabricaulis and other species of Ferula. It shall not contain any colophony resin, galbanum resin, ammoniacum resin, or any other foreign resin. Hing shall conform to the following standards, namely :—

(1) Total ash content shall not exceed 15 per cent by weight.

(2) Ash insoluble in dilute hydrochloric acid shall not exceed 2.5 per cent by weight.

(3) The alcoholic extract (with 90 per cent alcohol) shall not be less than 12 per cent as estimated by the U. S. P. 1936 method.

(4) Starch shall not exceed 1 per cent by weight.

Hingra shall conform to the following standards, namely :—

(1) The total ash content shall not exceed 20 per cent by weight;

(2) Ash insoluble in dilute hydrochloric acid shall not exceed 8 per cent by weight;

(3) The alcoholic extract (with 90 per cent alcohol) shall not be less than 50 per cent as estimated by U.S.P. 1936 method.

(4) Starch shall not exceed 1 per cent by weight."

[No. F. 14-52/65-PH.

M. C. JAIN, Under Secy.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 11th September, 1967.

No. MY-LA/80/67.—Whereas Shri A. Anthony Michael, No. 4, Lakshmi Vilas, Budha Street, Jayabharathinagar, Cox Town, Bangalore, a contesting candidate for election to the Mysore Legislative Assembly from the 80-Bharathynagar constituency, failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder, and was given due notice of such failure;

And whereas the Election Commission is satisfied that the account since lodged by him has not been lodged in the manner prescribed in the said Act and Rules, and he has not furnished any good reason or justification for the failure;

Now, therefore, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri A. Anthony Michael to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

By order,

109 K. S. RAJAGOPALAN,
Secretary to the Election Commission.

NOTIFICATION.

(DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS).

No. LAW 182 LOR 67, Bangalore, dated 16th September 1967.

Ordered that the Employees' Provident Funds (Seventh Amendment), Scheme 1967 published in G. S. R. No. 1269, dated 21st August 1967, which has been published in the *Gazette of India*, Part II, Section 3, sub-section (i), dated the 26th August 1967, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

Under Secy. to Govt., Dept. of L. and P.A.

GOVERNMENT OF INDIA

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 26th August 1967.

G. S. R. 1269.—In exercise of the powers conferred by section 5, read with sub-section (1) of section 7, of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following Scheme further to amend the Employees' Provident Funds Scheme, 1952, namely :—

1. This Scheme may be called the Employees' Provident Funds (Seventh Amendment) Scheme, 1967.

2. In clause (kk) of paragraph 2 of the Employees' Provident Funds Scheme, 1952, for the words "or licensed salt industry", the words "licensed salt industry or Jute baling or pressing industry" shall be substituted.

[No. 4/ 16/II/62/PF-II.]

DALJIT SINGH, Under Secy.

NOTIFICATION.

(LAW DEPARTMENT)

No. LAW 133 LCR 67, Bangalore, dated 16th September 1967.

Ordered that the accompanying Notification No. G. S. R. 1280 dated 26th August 1967, declaring the narcotic substance "Codoxime (dihydrocodeinone-6-carboxymethyloxime) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs to be a manufactured drug which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (i), dated the 26th August 1967, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

108 *Under Secy. to Govt.,*
Department of Law and Parliamentary Affairs.

GOVERNMENT OF INDIA

(Department of Revenue and Insurance)

DANGEROUS DRUGS

New Delhi, the 26th August 1967.

G.S.R. 1280.—In pursuance of sub-clause (ii) of clause (g) of section 2 of the Dangerous Drugs Act, 1930 (2 of 1930), and the Single Convention on Narcotics Drugs, 1961 replacing the earlier Geneva Conventions of 1925, 1931 and 1936 and the Protocol of 1948 relating to drugs placed under international control, the Central Government hereby declares the narcotic substance "Codoxime (dihydrocodeinone-6-carboxymethyloxime) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs" to be a manufactured drug and makes the following further amendment to the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 4 Dangerous Drugs dated the 4th December, 1956, namely :

In the said notification, after item No. (85) and the entries relating thereto the following item and entries shall be added, namely :—

"(86) Codoxime (dihydrocodeinone-6-carboxymethyloxime) and its salts, preparations, admixtures, extracts and other substances containing any of these drugs—Group I."

[No. 11/F.No. 13/1/67-Opium.]

G. P. DURAIRAJ, Dy. Secy.

NOTIFICATION.

No. LAW 7 ERL 66, Bangalore, dated 15th September 1967.

In exercise of the powers conferred by clause (a) of sub-section (3) of section 27 of the Representation of the People Act, 1950 (Central Act 43 of 1950) and in supersession of Government of Mysore, Notification No. LAW 2 CNL 59, dated the 7th September, 1961 and all other snbsequent Notifications amending the schedule thereof, the Government of Mysore, with the concurrence of the Election Commission, India, hereby directs that for the purpose of elections to the Legislative Council of the State of Mysore from the Graduates' constituencies, each of the qualification specified in the schedule below shall be deemed to be equivalent to that of a graduate of a University in the territory of India :—

SCHEDULE.

PART I INDIAN

A. ARTS AND SCIENCES

1. The following oriental titles conferred by Shri Venkateswara University, Tirupati :—

Siromani Vidvan, Vidya, Praveena, Bhasha Praveena, Adib-i-Fazil, Afzal-ul-Ulema, Munishi-i-Fazil and Tabib-i-Kamil.

2. Acharya and Shastri diplomas of Bihar Sanskrit Association.

3. Fazil diploma of Madrasa Examination Board, Bihar.

4. Snatak of Bihar Vidyapith, Patna.

5. Sahityalankar of Hindi Vidyapith, Deoghar.

6. Degrees conferred by Gujarat Vidyapith before 1932.

7. Degrees conferred by Tilak Maharashtra Vidyapith before 1932.

8. Diplomas in drawing and painting modelling or commercial art given by the Government of Bombay/Maharashtra.

9. Art Masters' Examination Certificate given by the Government of Bombay/Maharashtra.

10. Shastri of Punjab University.

11. Shastri diploma awarded by the Government of Rajasthan.

12. Acharya and Shastri diplomas awarded by the Registrar of Government Sanskrit College, Examinations, Uttar, Pradesh.

13. Alim and Kamil diplomas awarded by the Registrar of Arabic and Persian Examinations, Uttar Pradesh.

14. Vedalankar and Vidyalankar of Gurukul Kangri.

15. Shastri and Master of Applied Sociology degrees conferred by Kashi Vidapith.

16. Kamil, Fazil and Dabir Kamil diplomas of Allahabad University.

17. Kamil Fazil and Dabir Kamil diplomas of Lucknow University.

18. Diploma of Fine Arts awarded by Arts and Crafts School, Lucknow.

19. Degrees or diplomas awarded by the Bengal Sanskrit Association.

20. Degrees or Diploma awarded by the Purbabanga Saraswat Samaj.

21. Degrees or diplomas awarded by the Bangiya Sanskrit Siksha Parishad.

22. Degrees or diplomas awarded by the Board of Madrasa Education, West Bengal.

23. Diploma of the Government School of Arts, Calcutta.

24. Diploma of the Viswabharati, Shantiniketan.

25. Bachelor of Arts degree of Jamia Millia, Delhi.

26. Sanskrit Vidwat Uttama Examination in any Shastra awarded by the Board of Sanskrit Euducation and Examinations, Mysore.

27. Kannada Pandits' Final Examination awarded by the Director of Public Instruction, Mysore.

28. Munshi Final Examination awarded by the Director of Public Instruction, Mysore.

29. Hindi Vidvan Uttarbhag Examination, awarded by the Director of Public Instruction, Mysore.

30. Sahitya Ratna awarded by the Hindi Vishwa Vidylaya Sahitya Sammelan, Prayag, Uttar Pradesh.

31. Fazil-Adab (Arabic). Fazil-i-Tafsir (Arabic) and Dabir-i-Kamil (Arabic) of the Lucknow University.

32. Pulavar granted by Annamalai University.

33. Sangita Siromani granted by the University of Madras.

34. Siromani (Added to Mimansa, Vedanta, Nyaya, Vyakarana, Sahitya, Ayurveda and Jyothisha) granted by the University of Madras.

35. Vidvan granted by the University of Madras.

36. (a) Afzal-ul-Ulama
(b) Munshi-i-Fazil
(c) Abidi-i-Fazil
(d) Tabib-i-Kamil
(e) Afzal-ul-Atibba
} Granted by the University of Madras.

37. (a) Malapan
(b) Soppar
} Granted by the University of Madras.

38. Bhasha Praveena and Vidya Praveena awarded by the Andhra University.

39. Afzal-ul-Ulama title in Arabic awarded by the University of Travancore/Kerala.

40. Diploma in Rural Services awarded by the National Council for Rural Higher Education, Ministry of Education, Government of India, New Delhi.

41. L. Agricultural Diploma of 1930 awarded by the Government Agricultural College, Kanpur.

42. Diploma in Drawing and Painting (Kala Nipuna) awarded by the Government of Mysore.

43. Diploma in Modelling awarded by the Government of Mysore.

44. Art Masters' examination awarded by the Government of Mysore.

B. ENGINEERING AND TECHNOLOGICAL

1. Licentiate in Mechanical and Electrical Engineering given by the Department of Technical Education, Government of Hyderabad.

2. Engineer and Upper Subordinate diplomas of the College of Engineering, Guindy.

3. (A) Licentiate Diplomas and Diplomas in any branch of Engineering/Technology given by the Technological Diploma Examination Board, Madras/or the State Board of Technical Education and Training, Madras prior to 1960-61.

(B) Diploma in Commerce awarded by the Technological Diploma Examination Board, Madras/or the State Board of Technical Education and Training, Madras.

4. Diplomas in Architecture given by the J.J. School of Art, Bombay.

5. Diplomas given by the Victoria Jubilee Technical Institute, Bombay.

6. Diplomas in any branch of engineering, technology or architecture given by the Government of Bombay/Maharashtra.

7. Certificate in Town Planning and Valuation given by the Government of Bombay/Maharashtra.

8. Certificate in Electrical Technology or in Electrical Communication Engineering given by the Indian Institute of Science, Bangalore.

9. Diploma in Chemical Engineering given by the Harcourt Butler Technological Institute, Kanpur.

10. Diploma given by the Government Central Textile Institute, Kanpur.

11. Diploma given by the Government Technical Institute, Lucknow or Gorakhpur.

12. Diploma in Civil Engineering or Assistant Engineer's Certificate given by the Thomason College of Civil Engineering, Roorkee.

13. Degrees conferred by the College of Engineering and Technology of Jadavpur, West Bengal.

14. Diploma in Electrical and Mechanical Engineering or Commerce given by the All India Council of Technical Education, Delhi.

15. A.M.I.E. or M.I.E. granted by the Institution of Engineers, India.

16. Associateship Diploma of the Indian School of Mines and Applied Geology Dhanabad, Bihar (From 1926)

17. Diploma in Civil, Mechanical and Electrical Engineering awarded by the Assam Engineering Institute, Gauhati.

18. Diploma in Civil, Mechanical and Electrical Engineering awarded by the Silchar Polytechnic, Miherpur, Silchar.

19. Diploma in Civil, Mechanical and Electrical Engineering awarded by the H.R.H. Prince of Wales Institute, Jorhat.

20. Diploma in Civil echanical and Electrical Engineering awarded by the Nowgong Polytechnic, Nowgong.

21. Diplomas in Civil Mechanical, Electrical and Automobile engineering given by the Travancore/Kerala University.

22. Diplomas in Food, Fisheries and Chemical Technology of the Travancore/Kerala University.

23. Diploma in Textile Technology of the Travancore/Kerala University.

24. Diploma in Civil Engineering awarded by the State Board of Technical Education, Rajasthan, Jodhpur.

25. Diploma in Electrical Engineering awarded by the State Board of Technical Education, Rajasthan, Jodhpur.

26. Diploma in Mechnical Engineering awarded by the State Board of Technical Education, Rajasthan, Jodhpur.

27. Diploma in Mining Engineering awarded by the State Board of Technical Education, Rajasthan, Jodhpur.

28. Graduate of the Institution of Engineers (India).

29. Diploma in any branch of Engineering or Technology given by the Government of Gujarat.

30. Diploma in Engineering awarded by the Nagpur University.

C. MEDICAL

1. Medical qualifications recognised under the Medical Council Act, 1956.

2. Degrees or diplomas in dentistry recognised under the Dentists Act, 1948.

3. The following degrees or diplomas in homeopathic medicine :

(i) D H.M. of the Board of Homeopathy, Government of Andhra Pradesh.

(ii) H.M.D. or B.M.S. of the National Homeopathic Medical College, Lucknow.

(iii) H.M B. or B.M.B.S. of the Calcutta Homeopathic Medical College and Hospital, Calcutta.

(iv) H.M.B. of the D.N. De Homeopathic Medical College and Hospital, Calcutta.

(v) B.H.M.S. or M.H.M.S. of the Bengal Allen Homeopathic College and Hospital, Calcutta.

(vi) H.M.B. of the Central Homeopathic College, Calcutta.

(vii) H.M.B. of the Regular Homeopathic College, Calcutta.

(viii) D.M.S. of the Pratap and Hering Homeopathic College and Hospital, Calcutta.

4. Ayurvedacharya and G.A.M.S. diplomas of Government Ayurvedic College, Patna.

5. G.A M S. and G.U.M.S. diplomas given by the Government of Bihar.

6. G.C.I.M. Diploma given by the Board of Examiners of the Government of Madras.

7. Degree or diploma given by the Uttar Pradesh Board of Indian Medicine.

8. Degree or diploma in Ayurveda given by the Benaras Hindu University.

9. Ayurvedalankar of Gurukul Kangri.

10. Ayurveda Visharad and Ayurveda Parangat of the Tilak Maharashtra Vidyapith before 1944.

11. Degree or diploma granted by the State Faculty of Ayurvedic system of Medicine, Bombay, or by the State Faculty of Ayurvedic and Unani Tibbi system of Medicine, Bombay.

12 Licentiate in Apothecary Course given by the Board of Examinations, Medical College, Madras

13. G.B.V.C. of Veterinary College, Bombay.

14. Certificate of Licensed Veterinary Practitioners, Punjab.

15. B.I.M. S/D. I M.S. awarded by the Board of Ayurvedic and Unani Systems of Medicine, Delhi.

16. L.I M. Diploma granted by the Government of Madras.

17. Ayurved Tirth (A. T. NAGAR) awarded by Ayurved Mahavidyalaya, Ahmednagar (only when granted before 1942).

18. Ayurved Visharad (A.V.N. Satara) awarded by Aryangla Vaidyak Mahavidyalaya, Satara (only when granted before 1942).

19. B.A.M.S. awarded by Vidarbha Board of Ayurvedic and Unani systems of Medicine, Nagpur.

20. Ayurved Visharad (A.V.V. Nanded) awarded by the Government Ayurvedic College, Nanded.

21. Graduate of Faculty of Ayurvedic Medicines (G.F.A.M Bombay) awarded by Faculty of Ayurvedic Unani Systems of Medicines and Maharashtra Faculty of Ayurvedic and Unani systems of Medicines (only when granted after 23rd October, 1961).

22. Ayurved Pravin (D.S.A.C. Bombay awarded by Committee of Shuddha Ayurvedic Course, Bombay and Maharashtra faculty of Ayurvedic and Unani Systems of Medicines (only when granted after 23rd October, 1961).

23. Higher Medical Certificate (Travancore Government).

24. Vaidya Kalanidhi (Travancore Government).

25. Diploma in Indigenous Medicine (Travancore/Travancore Cochin Government).

26. Vaidya Bhooshana (Cochin/Travancore Cochin Government).

27. Ayurveda Bhooshana (Cochin/Travancore Cochin Government).

28. Bachelor of Ayurvedic Medicine (University of Tranvancore/Kerala).

29. Diploma in Ayurvedic Medicine (University of Travancore/Keala).

30. Diploma in Homeopathic Medicines (Kerala Government).

31. New Diploma Course (Diploma in Ayurvedic Medicine) (Kerala Government).

32. Diploma in Medicine and Surgery (Kerala Government.)

33. Degree of Ayurvedacharya (M.A.M.S.) awarded by the S.D.P.G. Ayurvedic College, New Delhi.

34. L.A.M.S. Diploma awarded by the Board of Studies in Indian Medicine, Mysore.

35. L.U.M.S. Diploma awarded by the Board of Studies in Indian Medicine, Mysore.

36. D.S.A.C. Diploma awarded by the Board of Studies in Indian Medicine, Mysore.

37. G.C.A.M. Degree awarded by the Board of Studies in Indian Medicine, Mysore.

38. Diplomas of G.C.A.M., G.C.U.M., B.A.M.S., and P.U.M.S. awarded by the Board of Indian Medicine, Andhra Pradesh.

39. Degrees awarded by the Faculty of Ayurvedic and Unani Systems of Medicine, Gujarat.

40. Ayurved Praveena diploma awarded by the Faculty of Ayurvedic and Unani systems of Medicine, Gujarat awarded after the 22nd April, 1964.

41. Ayurved Pravin diploma awarded by the Committee for Shudha Ayurvedic Course, Gujrat.

42. Diploma of B.M.S. awarded by the Board of Homeopathic Medicine, U.P., Lucknow.

43. Diploma in Homeopathy (D.H.M.) awarded by the Andhra Provincial Homeopathic Medical College, Gudivada.

44. A.T.A.V. (Associate of Taranath Ayurveda Vidyapeeth) qualification or Vaidya Praveen of Taranath Ayurveda Vidyapeeth, Bellary.

D. PROFESSIONAL.

1. Certificate of enrolment as an attorney of the Bombay or Calcutta High Court.

2. Any qualification sufficient for becoming a member of the Institute of Chartered Accountants in India.

3. Certificate of Admission as pleader under Section 7 of the Legal Practitioners Act, 1879.

PART II—FOREIGN.

A. ARTS AND SCIENCES.

DEGREE CONFERRED BY ANY OF THE FOLLOWING UNIVERSITIES.

1. United Kingdom.—

Aberdeen, Birmingham, Bristol, Cambridge, Durham, Edinburgh, Glasgow Leeds, Liverpool, London, Manchester, Oxford, Reading, Saint Andrews, Sheffield and Wales.

2. Ireland.
Belfast, Dublin (Trinity College) and National (Dublin).

3. Pakistan.
Punjab, Sind, Dacca and Rajashahi.

4. Burma.
Rangoon.

5. B.A. (National) degree awarded by the quami Vidyapeth, Lahore.

B. ENGINEERING AND TECHNOLOGICAL.

1. Diploma in Electrical Engineering of Faraday House, London.

2. Diploma in Engineering of King's College, London.

3. Diploma in Engineering of University College, London.

4. Diploma in Engineering or Certificate of Associateship of City and Guilds Institute, London.

5. Associate Membership Examination of the Institute of Civil Engineers, London.

6. Certificate in Technology or Mechanical Engineering or Electrical Engineering of Manchester University.

7. Diploma in Mechanical or Electrical Engineering of the Royal Technical College, Glasgow.

8. Professional Certificate for Instructors given by the Royal Naval College, Greenwich.

9. Certificate of Associateship in Electrical Engineering of Heriot Watt College, Edinburgh.

10. 'A' Class Diploma of the Punjab College of Engineering and Technology, Lahore (Formerly Machlagan Engineering College, Moghalpura).

C. MEDICAL.

1. Foreign Medical qualifications recognised under the Indian Medical Council Act, 1956.

2. Foreign qualifications in dentistry recognised under the Dentists Act, 1948.

D. PROFESSIONAL

1. Foreign qualifications sufficient for becoming a member of the Institute of Chartered Accountants in India.

2. Certificates of enrolment as a Barrister of England and Ireland or as a Member of the Faculty of Advocates.

[No. LAW 7. ERL 66.]

By Order and in the Name of the Governor of Mysore,

M. SYED MURSHED PEER,
Deputy Secy.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI,-1.

Dated the 15th September, 1967.

ORDER

No. MY-LA/177/67.—WHEREAS the Election Commission is satisfied that Shri Kallappanavar Mariyappa Fakirappa, Agadi, Ta uka Haveri, a contesting candidate for election to the Mysore Legislative Assembly from 177-Haveri constituency, has failed to lodge an account of his election expenses within the time as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kallappanavar Mariyappa Fakirappa to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

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By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI,-1.

Dated the 14th September 1967.

ORDER

No.MY-LA 78/67.—Whereas Shri Dhanapal, No. 42, Khader Shariff Garden, Lalbagh Road, Bangalore, a contesting candidate for election to the Mysore Legislative Assembly from the 78-Basavanagudy constituency, failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder, and was givnen due notice of such failure;

And whereas the Election Commission is satisfied that the account since lodged by him has not been lodged within the time and in the manner prescribed in the said Act and Rules, and he has not furnished any good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Dhanapal to be disqualified for being chosen as, and being, a member of either House of Parliament or of the for Legislative Assembly or Legislative Council of a State for period of three years from the date of this order.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA

TALKATORA ROAD,
NEW DELHI-1.

Dated the 8th September, 1967.

ORDER

No. MY-LA/44/67. Whereas the Election Commission is satisfied that Shri K. S Eswaraiah, Kadehude, Parasurampura Hobly, Challakere Taluk, a contesting candidate for election to the Mysore Legislative Assembly from 44-Challakere constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri K. S. Eswaraiah to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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PART IV

Section 1—C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 18th September, 1967.

NOTIFICATION.

No. 82/MY/21/67.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 1st August, 1967 by the High Court of Mysore at Bangalore in Election Petition No. 21 of 1967.

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 1st day of August 1967

Before the Hon'ble Mr. Justice K. R. Gopivallabha Iyengar

Election Petition No. 21/1967.

Sri H. R. Annamalai Mudaliar son of Sri Rajagopala Mudaliar, aged about 48 years, President, Town Municipal Council, Hunsur, residing at Store Street, Hunsur, Mysore State ...*Petitioner.*

(By Sri B. T. Parthasarathy)

Vs.

Sri Devaraje Urs, son of Devaraj Urs, aged about 50 years, Hon'ble Minister for Fisheries, Animal Husbandry and Information, Government of Mysore, Vidhana Soudha, Bangalore

residing at Sankey Road, High Grounds, Bangalore-1 .... *Respondent*

(By Sri M. P. Chandrakantaraj Urs)

Election Petition filed by the Petitioner under Section 80 and 81 of the Representation of the People Act, 1951 challenging the election of the Respondent to the Mysore Legislative Assembly from Hunsur Constituency in the General Election held in February 1967 and seeking an order that (1) The rejection of the petitioner's nominated paper for contesting the Mysore Legislative Assembly seat and that the acceptance of the nomination paper of the Respondent is irregular, illegal and improper and the election of the Respondent to the Mysore Legislative Assembly for Hunsur Assemblies Constituency be declared to be void and other consequential reliefs may be awarded.

This election Petition coming on for trial on 21st, 24th 25th and 26th days of July 1967 in the presence of Sri B.T. Parthasarathy, Advocate for the Petitioner and Shri M. P. Chandra Kantaraj Urs, Advocate for Respondent and Petitioner No. Respondent No. and this Election Petition having stood over for consideration, the Court made the following order this 1st day of August 1967.

ORDER.

Gopivallabha Iyengar, J.—

This Election Petition relates to the election of a Member to the Mysore Legislative Assembly from the Hunsur Assembly Constituency, in the elections held on 15th February 1967. The respondent was declared duly elected by the Returning Officer on 21st February 1967.

The Petitioner and the respondent amongst others filed their nomination papers before the Returning Officer, in response to the Notification in the Official Gazette of Mysore dated 13th January 1967 calling for nominations. The nomination papers were scrutinised on 21st January

1967. The respondent raised objections to the nomination of the petitioner contending that the petitioner held subsisting contracts with the Public Works Department of the Government of Mysore, in the course of his business as a licenced Public Works Department Contractor, and therefore was disqualified to stand for Elections to the Mysore Legislative Assembly. The Returning Officer, after giving an opportunity to the parties to adduce evidence in support of their respective contentions, rejected the nomination paper of the petitioner on 22nd January 1967, under the provisions of Section 36 (2) (a) of the Representation of the People Act, 1951 (hereinafter referred to as the Act), holding that on the date fixed for the scrutiny of the petitioner's nomination paper, the petitioner's contracts with the Government of Mysore subsist and he is therefore disqualified. The petitioner challenges this order of the Returning Officer as being erroneous inasmuch as on facts there was actually no subsisting contracts on the date of the scrutiny of the nomination papers.

In the Petition, the petitioner alleges that his contractual relationship with the Government as a contractor for the execution of the works undertaken by him had ceased to exist on the date of scrutiny. The petitioner submits that he had entered into agreements with the Executive Engineer (K. R. Nagar Division, K. R. Nagar) of the Public Works Department of the Government of Mysore in 1961 for the construction of the Pravasi Mandir at Hunsur, the Government Girls' Urdu Middle School at Hunsur and Hostel and School Buildings at Hakki Pikki Colony in Hunsur Taluk. It is alleged that the condition in the contracts was that the constructions of the abovesaid buildings should be completed and handed over before 1962. It is submitted that due to the non-co-operation of the Public Works Department, the Petitioner could not execute the works in time and the petitioner was treated as a defaulter and his contracts in respect of the works at Hakki Pikki Colony were cancelled, and final measurements were also recorded and final bill prepared in February 1962 in respect of those works. It is further stated that the contract was

renewed by the Superintending Engineer, Mysore Circle, on the petitioner's expressing his willingness to fulfil the contracts if the Department were willing to co-operate fully with him. Thereafter, the petitioner took up the construction works again. He further alleges that the authorities of the Public Works Department did not extend any help and co-operation to him in the execution of the works and he was prevented from showing any progress in the works. He wrote a letter on 8th July 1963 to the Executive Engineer, informing him that it was impossible for him to carry out further works and requesting him to pass orders for final bills being prepared in respect of the works already done and to arrange for the execution of the remaining works through other agencies. The Executive Engineer sent a reply dated 10th September 1963 asking the petitioner to contact the Assistant Engineer, No. 2 Sub-Division, Hunsur, to get the final claims on all the buildings settled. It is averred that in pursuance of this reply, the Assistant Engineer took steps to have final measurements. From the conduct of the parties above mentioned, the petitioner contends that the contractual relationship between him and the Public Works Department came to be terminated in 1963 itself. It is also incidentally mentioned that the petitioner has not renewed his license as a Contractor from 1964-65. The petitioner also refers in his petition that notwithstanding the cessation of the contractual relationship between him and the Public Works Department, the authorities have been issuing notices to him stating that the contracts were still subsisting and that he would be held liable to his obligations under the contracts. A further allegation is made that the respondent who held office of a Minister prior to the 1967 Elections, was very influential and had prevailed upon the Public Works Department authorities to take the stand that they had taken in order to create evidence and bolster up the objections raised by him to the acceptance of the petitioner's nomination paper.

On these allegations, the petitioner has filed the above Election Petition under Sections 80 and 81 of the Act, praying that the order of the Returning Officer, rejecting

the petitioner's nomination paper for election as a member of the Mysore Legislative Assembly from the Hunsur Constituency at the 1967 General Elections be held to be irregular, illegal and improper and to declare that the election of the respondent to the Mysore Legislative Assembly from the Hunsur Assembly Constituency is void

It is to be further mentioned that in the petition a ground is also raised disputing the qualification of the respondent to stand as a candidate for the Elections to the Mysore Legislative Assembly. It is alleged that at the time of filing his nomination paper, the respondent was the Chairman of the Mysore State Road Transport Corporation, Bangalore, (which is a statutory body) and this is an office of profit as contemplated under the law. For this reason it is stated that the respondent has incurred a disqualification for contesting the Elections under Article 191(1) (a) of the Constitution and therefore the acceptance of his nomination a per is invalid and renders his election to the Assembly void. During the course of arguments an attempt was made to rely on the provisions of Section 10 of the Act, under which a person who is a managing agent, manager or secretary of any Corporation in the capital of which the Government has not less than twenty-five per cent share is disqualified. The ground in this case is that the capital of the Corporation of which the respondent is the Chairman is entirely of the State.

The respondent denied the allegations of the petitioner and re-iterated that the contractual relationship between the petitioner and the Government subsists. The respondent states that the contention of the petitioner that there was a cessation of all contractual relationship between the petitioner and the Public Works Department is not true. It is alleged that though it was open to the petitioner to have taken proper and adequate steps to legally terminate the contracts, he failed to do so and the final accounts between the parties have not been settled. The respondent also denied the allegation that he was in any way responsible

for the various notices issued by the Public Works Department to the petitioner in respect of his contracts as alleged by him. In view of the fact that according to the respondent the contractual relationship between the petitioner and the Public Works Department of the Government of Mysore subsists, it is alleged that the order of the Returning Officer is in accordance with law and the facts pertaining to the case. The respondent has also denied that the Office he held as Chairman of the Mysore State Road Transport Corporation prior to 20th January 1967 is an office of profit and in any event he states that he having resigned from that office and his resignation having been accepted by the Government of Mysore on 20th January 1967, the order of the Returning Officer accepting his nomination paper is in accordance with law. The respondent, therefore, contends that the petitioner's application challenging the Election is liable to be dismissed with costs.

On the basis of these pleadings, the following 4 issues were framed—

Issues :—

1. Does the petitioner prove that the contractual relationship between him and the Government was not subsisting on 21st January 1967, and that it had come to an end as early as in 1963 and therefore he was not disqualified to stand for election under Section 9A of the Representation of People Act of 1951? If so, is the election of the respondent to be declared void under section 100 (1)(c) of the Representation of People Act of 1951 on the ground that the nomination of the petitioner has been improperly rejected?

2. Does the petitioner prove that at the time fixed for the scrutiny of the nomination papers the respondent was the Chairman of the Mysore State Road Transport Corporation, Bangalore, a statutory body and was holding an office of the profit under the Government of Mysore and therefore was disqualified to be chosen as a member of the Mysore Legislative Assembly, under Art. 191 (1) (a) of the Constitution?

3. Does the respondent prove that he had submitted his resignation on 19th January 1967 and that the same was accepted by the Government of Mysore as per Notification dated 20th January 1967 and therefore on the date of scrutiny the respondent had ceased to be the Chairman of the Mysore Road Transport Corporation and that he was not disqualified under Art. 191 (1) (a) of the Constitution ?

4. To what relief is the petitioner entitled ?

At the outset I shall record the submission of Sri B. T. Parthasarathy, the learned counsel for the petitioner, that he does not press the second issue and confines his arguments to the first issue only. In view of this stand taken by the learned counsel for the petitioner, the question as to whether the respondent was disqualified to be chosen as a member of the Mysore Legislative Assembly under Art. 191 (1) (a) of the Constitution or Section 10 of the Act does not arise for consideration.

Consequently, the third issue also does not require to be considered.

Therefore both the petitioner's counsel Sri B. T. Parthasarathy and the respondent's counsel Sri M. P. Chandrakanthraj Urs have confined their arguments bearing only on the first issue.

The petitioner examined himself and the respondent examined himself and one witness.

The contention of Sri B. T. Parthasarathy is, that on the date of scrutiny of the nomination papers there was no subsisting contract between the petitioner and the Government of the State of Mysore. The contracts referred to in Exhibit P-2, the order of the Returning Officer, dated 22nd January 67 are three in number. They are evidenced by Exhibits R-1, R-2 and R-3 dated 23rd January 1961. Exhibit R-1 relates to the construction of a School Building in Hakki Pikki Colony at Nallurpala in Hunsur Taluk. The work was to be completed on or before the 14th day of August, 1961. Exhibit R-2 relates the construction of a Hostel Building at Hakki Pikki Colony above mentioned,

and the work was to be completed on or before the 14th day of October 1961. The third agreement under Exhibit R-3 was for construction of a Urdu Girls' Middle School at Hunsur and the work was to be completed by 30th September 1961. All the three contracts have been entered into on the same date but the dates of completion vary. As the construction works were not completed before the dates mentioned in the agreements, the agreements were admittedly renewed and the time for completion extended. In support of the contention that by September 1963, the contractual relationship between the petitioner and the Public Works Department came to an end, the petitioner relies upon Exhibits P-1 and P-4 as also the subsequent conduct of the parties in relation to the contracts in question. Exhibit P-1 is a letter dated 8th July 1963 addressed by the petitioner to the Executive Engineer. This letter purports to be a reply to a letter of the Executive Engineer dated 27th June 1963. That letter is not placed before court. The petitioner complains in Exhibit P-1 that he has not received the estimate and plan regarding Hakki Pikki Colony buildings, though he had been requesting for them since a long time. He also refers to the details of the work done by him and to the fact that he had written several letters to which no replies were issued. He complains that there has been no co-operation on the part of the Department and that his bills have been pending payment from a long time. He also records several complaints. Regarding Hakki Pikki Colony work he states that he has done the work as per instructions of the Supervisor but wrong measurements have been recorded. He wants the measurements to be re-checked. In respect of the Hostel Building, he states that he asked for permission to put up concrete but that he has not received any reply. He enumarates the several pending bills and ultimately he concludes by stating as follows :—

> "In the circumstances, I shall feel obliged if you will kindly pass orders for final bills being made in every case, and amounts paid for the works done. Further works may kindly be got executed

through other agencies. On payment of my amounts, I will take back the materials collected at sites of work. I may kindly not be misunderstood for writing this ".

Exhibit P–4 dated 7th September 1963 is a reply to the above letter. In that letter the Executive Engineer refers to the construction of the Hostel and School Buildings at Hakki Pikki Colony in Hunsur Taluk and the construction of other buildings at Hunsur. He requests the petitioner to contact the Assistant Engineer, No. 2 Sub Division, Hunsur, and get the final claims on all buildings. A note is found in Exhibit P–4 stating that a copy of this communication is sent to the Assistant Engineer concerned, to see that the claims are finalised immediately. It should also be noted that Exhibits R-14, R-15 and R-16 are issued to the petitioner by the Assistant Engineer proposing to take final measurements. Ext. R-14 is dated 16th September 1963 wherein a reference is made to the Hostel and School Buildings at Hakki Pikki Colony and also the other buildings at Hunsur. In Ext. R-14, the Assistant Engineer requires the petitioner to be present for taking final measurements of the above works on 20th September 1963. As no measurements were taken on that date. A further letter is addressed to the petitioner as per Exhibit R-15, dated 2nd June 1965. In this reference is made to the construction of the Hostel Building and the School Building at Nallur Pala. The petitioner is requested to be present at Hakki Pikki-Colony to take final measurements of the above building on 8th June 1965. Similarly Exhibit R–16 is again issued on 10th June 1966, informing the petitioner that the date fixed for taking final measurements is postponed to 11th June 1966 at 9 A. M. On the basis of these documents and in particular Exhibits P–1 and P–4, it is argued that there was nothing more to be done by the petitioner in pursuance of the contracts which he had entered into under Exhibits R-1, R-2 and R-3. The contention of Sri Parthasarathy, is that by virtue of Exhibit P–1, there is a clear, unconditional and absolute repudiation of the contract and that the same has been

accepted by the Public Works Department through the Executive Engineer. He further submits that the petitioner having refused to perform his promise in entirety and it being open to the Public Works Department to put an end to the contract and they having done so in Ext. P-4, the only way in which the contractual relationship can once again come into existence is by the parties entering into a fresh contract; and that not being the stand of the Public Works Department, it must be held that the contract has come to an end in September 1963 itself. Reliance is placed on the—provisions of Section 39 of the Indian Contract Act in support of his contention.

To appreciate the above argument of the learned counsel for the petitioner, it is necessary to determine the significance of the two letters Exhibits P-1 and P-4 and Exhibits R-14, R-15 and R-16 also. This can be done by taking into consideration the subsequent conduct of the parties as evidenced by the correspondence between them, *viz.*, the petitioner and the Public Works Department. Sri Parthasarathy stated that Exhibits R-14, R-15 and R-16 indicates merely steps in implementation of what has been stated in Exhibit P-4. It does not appear to be quite correct to state so. In Exhibit P-4 the petitioner is requested to contact the Assistant Engineer to get the final claims on all the buildings, while Exhibits R-14, R-15 and R-16 refer to the final measurements to be taken. In this connection, it must be noticed that under the terms of the contract a bill is to be prepared by the Sub-Division Officer or the Executive Engineer at least once every month for all work executed in accordance with the terms of the specification, after taking the requisite measures for having the same tested, and the claim, as far as admissible, adjusted, if possible. In order to do this, it is necessary to take periodical measurements. Therefore, merely taking of measurements as directed in Exhibits R-14, R-15 and R16, does not take the matter further. So, Exhibits P-1 and P-4 must be taken as they stand. We must refer to other documents to find out what exactly the parties meant from these two documents. Exhibit R-23 dated 9th December

1963 is addressed to the Executive Engineer by the petitioner. In that letter, he requests the Executive Engineer to grant an interview so that he could lay his difficulties before him. Referring to the Hakki Pikki Colony work, he states that the work had been re-tendered with the object of giving it to somebody else but later on the contract was renewed. He also states that then the final bill had been prepared. Obviously this refers to the bill prepared when the Public Works Department had decided on re-tendering the work owing to the default on the part of the petitioner and before the contract was renewed. In this letter, also the petitioner states that the work may be entrusted to someone else. There is reference in this letter to the New Travellers' Bungalow at Hunsur and the petitioner complaints that he has not been given cement and iron for the remaining work. Similar complaint is made in respect of the Urdu Girls' School at Hunsur. He makes a reference to the pending Bills. What is significant in this letter is firstly the absence of the pending bills in respect of the three contracts under Exhibits R-1, R-2 and R-3 and secondly that the petitioner seeks facilities to be given to him for the quick execution of the works on hand. In Exhibit P-1 he made a general representation stating that further works may be kindly got executed through other agencies. It does not refer to the contracts under Exhibits R-1, R-2 and R-3 only. Exhibit R-23 gives an indication that the petitioner did not intend to snap the contractual relationship between him and the Public Works Department. In Exhibit R-32, letter addressed by him to the Superintending Engineer, Mysore Circle, Mysore, he repeats that the work may be entrusted to someone else. Same Complaints as in Exhibit R-23 are incorporated in it also. He complaints that the Department was not paying attention to his several representations and that therefore he was addressing this letter to the Superintending Engineer with a request that he may take suitable action for payments being made to the petitioner for all the works mentioned in the said letter and for facilities being given to him for the quick execution of the works on hand. There is no reference in these two letters

to the fact that he is not interested in the further execution of the works. It would be normally expected that if really he had intended to put an end to the contractual relationship by virtue of Exhibit P-1, these letters, Exhibits R-23 and R-32 would not have made any reference for facilities being given to him for the quick execution of the works on hand. The omission in the said letters to the petitioner's claim in regard to the works executed by him under Exhibits R-1, R-2 and R-3 is also indicative of the fact that the petitioner did not consider the contracts as not being in force. These letters further indicate that there were works on hand which he intended to execute. In Exhibits R-29 and R-30, dated 2nd March 1964 addressed respectively to the Superintending Engineer, Mysore Circle, and the Chief Engineer to the Government of Mysore, the petitioner makes reference to the current works and states that cement and iron have not been given to him and it is on account of the Department's delay that the works are held up. He also makes a request that he may kindly be paid for those works at the current schedule rates plus 5 per cent since the cost of materials and labour charges have risen to a very high level. In Exhibit R-30 he makes reference in particular to the work of of the Travellers' Bungalow at Hunsur and the Urdu Girls' School at Hunsur and complains that cement and iron have not been given to him from a long time. He also complains in Exhibit R-30 about the non-payment of bills. It is significant to note that in Exhibit R-30 he states that for the current works bills may kindly be ordered to be made in respect of the works done and for supply of materials. He also seeks an interview with the Chief Engineer. These two letters do not seem to be consistent with the stand taken by him that the contractual relationship between the parties had ceased to exist in September 1963.

Another letter that is significant for the purpose is Exhibit R-28 dated 29th October 1964. In that letter the petitioner refers to an interview with the Executive Engineer and states that owing to non-payment of bills and lack of co-operation from the Department, the stoppage of

pending works has resulted. The works referred to are (1) the New Travellers' Bungalow, (2) Colony School and (3) Hostel Buildings. He also states in that letter that he was told that final bill was made and the work could be entrusted to some other agency. No reference is made in this letter to the work under all the contracts Exhibits R-1, R-2 and R-3. In the same letter the petitioner refers to certain assurances given to him by the Engineer and states that on the basis of those assurances, he is aggreable to take up the pending works and see that they are completed at the earliest. A reference is made in Exhibit R-23 to the roofing of Hakki Pikki Colony work and the petitioner states that as Honne Wood is not easily available in the market, he may be permitted to use Nandi wood for roofiing only. He further states that as far as the doors and windowsas were concerned, he has got the materials ready as per specifications of the Department. He further states that he has lost heavily on account of departmental delays and non-payment of amounts, but that he agrees to carry out the works in view of the assurances. These letters indicate that the petitioner never intended in Exhibit P-1 to put an end to the contracts. It must be noted that though in Exhibit R-29 the petitioner made a request for higher rates no reference is made to it in Exhibit R-28. Obviously the authorities wanted the petitioner to stick up to the terms under Exhibits R-1, R-2 and R-3 and extended the time for completing the works. In his evidence the petitioner also states that generally contracts are not completed in time and extension of time is granted. And that is what has happened in his case also.

The next letter is Exhibit R-17 dated 21st May 1965. This is a letter addressed by the Assistant Engineere, Hunsur, to the contractor in which the Assistant Engineer, requests the contractor to complete the works early without giving room for resorting to other measures by him Exhibit R-4 is a letter dated 17th August 1965, wherein the Executive Engineer of complains of non-resumption and slow progres of works entrusted to the contractor. A refernce is made to the Hakki Pikki Colony School and

Hostel Buildings and the New Travellers' Bungalow at Hunsur. It is complained that the petitioner has not resumed the work held up since 1962 and the contractor was informed that his contract would stand cancelled ten days after the receipt of the letter. He has also been notified that he would be responsible to indemniby the Government for all the losses the Government would be put to on account of the cancellation of the contracts, which may ensue. From this letter the petitiner wants the court to infer that no work was done by him since 1962 and this is consistent with the termination of the contract under Exhibit P-1 and the acceptance of the same by the public Works Depertment authorities under Exhibit P-4. Though the respondent disputed the fact that any further work was done by the petitioner since September 1962, it appears to me that this fact does not in the circumstances of the case aid the determination of the question whether the contract subsists or not.

Next I refer to Exhibit R-27 which is a reply dated 23rd August 1965 to Exhibit R-4. The petitioner explains that he has been doing the work on the assurance that the bills would be promptly paid and that his previous claims would be also settled soon. With refernce to Hakki Pikki Colony work, he complains that the plans and estimates have not been given to him and he refers to the representation made by him that it was not possible to do the work at the old rates. Regarding the Urdu Girls' School, which is covered by the contract under Exhibit R-3, he says:—

> "The plan and estimate have not been given to me till now. The type of roofing to be put has not been intimated. Even now, the work will be completed as soon as plan and estimates are given, and instructions issued regarding roofing."

He further states in the last paragraph of Exhibit R-27, which is marked as Exhibit R-27 (a) as follows:—

> "I would like to state here that without paying my bills for work done, and in the face of non-issue of instructions and materials from time to time you cannot terminate the contracts."

This statement is with reference to the statement of the Executive Engineer that the contracts would stand terminated ten days after the receipt of Exhibit R-4. The respondent's counsel very strongly urged that this statement, which is marked as Exhibit R-27 (A), is cleary against the contention that there has been any termination of the contract on the part of the petitioner by abandonment, which has been accepted by the Public works Department. The documents that I have referred to above indicate the subsistance of the contractual relationship between the petitioner and the Public Works Department even on 23rd August 1965, the date of Exhibit 27.

The learned counsel for the petitiner contended that the correspondence emanating from the petitioner and addressed to the authorities of the Public Works Department subsequent to September 1963, merely indicate offers on his part to enter into a fresh contract on revised terms. It is not possible to accept this contention, in view of the categorical statement in Exhibit R-27 by the petitioner as per Exhibit R-27 (a) that the Public Works Department cannot terminate the contracts. The question of terminating the contract would arise only when the contract is subsisting. If really the contract was not subsisting, the petitioner would have definitely stated that the contract had already been terminated and the only course left to the Public Works Department was to enter into a fresh contract on revised terms. In no letter of the petitioner there is a refernce to a fresh contract to be entered into on revised terms. On the other hand the consistent conduct on the part of the Public Works Department authorities has been to treat the contract as subsisting. In this connection a reference is invited by the respondent's learned counsel to Exhibits R-5, R-6 and R-13. They bear the same date 29th April 1966 and relate separately to the three contracts under Exhibits R-1, R-2 and R-3. They are identical in terms. In those letters the petitioner is warned that the penal clause will have to be enforced. In reply to these letters the petitioner sent replies which are marked as Exhibits R-24, R-25 and R-26, all dated

16th May 1966. It is pointed out that in them the petitioner does not refer to the repudiation of the contract or to the fact that the contractual relationship has come to an end. On the other hand he complains that the plan and estimate have not been given to him so far and the works have been done as per oral instructions of the Supervisor. He further complains that his bills have been pending from a long time unpaid. He pleads inability to work at the old rates. He further states that the type of roofing has not been intimated to him in spite of several letters and that he is not responsible for the delay. If the case of the petitioner that there was no subsisting contract is true, he would not have sent replies in terms evidenced by Exhibits R-24, R-25 and R-26. The contention of the petitioner in this connection is that, even though it may be that in some of the letters referred to above he has expressed a desire to complete the works, it does not in any manner affect the repudiation of the contract under Exhibit P-1, and the acceptance of it in Exhibit P-4. It is difficult to accept this contention. If, as contended by the petitioner, Exhibit P-4 should be understood as an acceptance of the repudiation of the contract by the petitioner, the conduct of the petitioner in not insisting on the taking of final measurements and the settling of his final bills is inexplicable. It is clear that until 10th June 1966 final measurements have not been taken. At this point I may refer to the allegation made in the petition, *viz.*, that the respondent who held a high office and was very influential had prevailed upon the Public Works Department authorities to take an unreasonable stand towards the petitioner in order to create evidence and bolster up his untenable objections against the acceptance of the nomination paper. There is not even a suggestion made to the respondent while he was in the witness-box pertaining to this allegation. This lends support to the conclusion that the allegation is made without due care and is baseless. It is also difficult to accept the above allegation in the petition in view of the fact that the Public Works Department's correspondence with the petitioner spreads over a long period starting from December 1963. It cannot be said that the respondent was

responsible for the several letters that the Public Works Department authorities have written to the petitioner. The petitioner in his cross-examination states that it is in 1966 that he decided to stand as a candidate for election, during the 1967 Mysore Legislative Assembly Elections. Therefore, it is impossible that the respondent could ever have thought that the petitioner would be his rival at the 1967 Elections and he could have caused the several letters to be addressed by the Public Works Department authorities to the petitioner.

The other documents that have been referred to relate to the letters addressed by the Public Works Department authorities subsequent to the date of the elections. Under Exhibits R-7, R-9 and R-11 all dated 25th February 1967, the Executive Engineer has sent communications to the petitioner with reference to the three agreements Exhibits R-1 R-2 and R-3, in which he complains that the petitioner has failed to complete the work in a satisfactory and workmanlike manner as per agreement and he has been informed that he cannot be absolved of his responsibilities and obligations in terms of the agreement. He has been told that there will be no other alternative than to enforce clauses 16 and 17 of the agreement. A copy of Exhibit R-7 has been submitted to the Superintending Engineer, Mysore Circle, Mysore, for information and another copy of the same has been sent to the Assistant Engineer, No. 2 Sub-Division, Hunsur, with a request to prepare the final bill in favour of the petitioner for the work done, after giving a clear notice of 10 days as per clause 20 of the agreement and also to take other requisite steps. Exhibits R-8, R-10 and R-12 are further communications dated 1st May 1967. These purport to be replies to the petitioner's letters dated 5th March 1967, marked as Exhibits R-21 and R-22. In Exhibit R-21 the petitioner acknowledges the receipt of the letter dated 25th February 1967 and while reiterating that he is unable to do the works, he requests that final bills be made in respect of the works. He expresses surprise at the notice sent to him complaining that his previous representations have been ignored. He also states that the works may be got finished by some other agency and that his final claims in respect of the three works may be paid. What is pointed out as

significant in these letters is, the petitioner's statement which is in these terms:

> "I therefore request you to arrange to pay my final claims in regard to these works, before entrusting to any other agency."

He also protests that the penal clauses in the agreement cannot be enforced against him. In view of the above statements in Exhibit R-21, the learned counsel for the respondent argues that even if it should be taken that there was a repudiation of the contract by the petitioner, it was not unconditional or absolute. The learned counsel for the petitioner, does not contend that if the repudiation is conditional it can amount to a repudiation in law. There must be a clear intention to abandon and refuse, to perform the contract. The case of the petitioner as already mentioned is that there has been a total, clear, unequivocal and absolute repudiation of the contract and the same has been accepted by the Public Works Department authorities. As rightly submitted by him, the contract would come to an end by the acceptance of the repudiation by the party who would be aggrieved by such repudiation. In the circumstances of this case the contention of the respondent with reference to Exhibit R-21 is well founded and gains support from Exhibit P-1 also in which the petitioner states that he would take back the materials collected at sites of work only on payment of amounts. The repudiation if any was not absolute, clear or unconditional.

The next set of documents which have been put in evidence are Exhibits R-18, R-19, and R-20, dated 14th July 1967 in which the Executive Engineer issues final notices to the petitioner under Clause 17 of the Schedule Contract annulling the contracts and informing him of the consequences of such annulment. Though the letters referred to above emanate from the Executive Engineer subsequent to the date of Election, it cannot be gainsaid that they indicate the subsistence of the contracts on the date of scrutiny of the nomination papers. From the correspondence referred to above and the conduct of the parties borne out by such correspondence, it is established that the contractual relationship between the petitioner and the Govern-

ment under Exhibits R-1, R-2 and R-3 was subsisting on 21st January 1967 and that it had not come to an end as early as in 1963 itself as pleaded by the petitioner. This finding would be enough to conclude that the Returning Officer was correct in rejecting the nomination paper of the petitioner for the reason that the petitioner was disqualified to stand for election by virtue of the provisions of Section 9A of the Act.

Assuming that Exhibits P-1 and P-4 constitute a repudiation of the contracts by the petitioner on the one part and the acceptance of the same by the public works Department authorities on the other, resulting in the termination of the contracts as urged by the petitioner's counsel, the learned counsel for the respondent contends that by virtue of the determination of the contracts, the contracts themselves do not cease to subsist. According to the respondent's counsel, a contract subsists until the rights and obligations of the contracting parties are finally settled with reference to the terms of the contract. In support of his contention, the respondent's counsel relies very strongly on the observations of the Supreme Court in A. I. R. 1954, S. C. Page 236, (CHATTURBHUJ VITHALADAS *V.* MORESHWAR PARASHRAM), while on the other hand, the petitioner's counsel has tried to distinguish the aforsaid decision and places reliance on the decision of the Madhya Pradesh High Court in A. I. R. 1959 Madh. Pra. page 39 (GAURI SHANKER *V.* MAYADHARDAS). In 1954 S. C. 236, the facts were that the appellant before them had entered into a contract with the Central Government for the supply of 'bidis' for sale to its troops through its canteens. It is found from the judgment that the contractor had fully executed his part of the contract and what remained to by done was payment by the Government. The question that arose before the Supreme Court was whether the contract for the supply of goods terminates when the goods are supplied or it continues in being till the payment is made and the contract is fully discharged by performance on both sides. The opinion of the Supreme Court was that it continues in being till it is fully discharged by performance on both sides. The Madhya Pradesh High Court while referring to the facts of the case in the Supreme Court decision states that

the facts of the case before them were entirely different. Therefore, the observations made by the Madhya Pradesh High Court must be taken in the context of the facts of that particular case. The general principles which guide the consideration of the question whether the contract subsists or not, are laid down in the Supreme Court decision. Before referring to them, I may point out that in the Madhya Pradesh decision, their Lordships refer with approval to the observations of the House of Lords holding that when a contract is at an end by the acceptance of the breach the contract survived for the working out of ancillary matters like the one for determination of the quantum of damages for breach or the the enforcement of the arbitration clause, if any. with reference to the above observations of the House of Lords, their Lordships of the Madhya Pradesh High Court observe:

> "According to them, the repudiation of a contract by one of the parties gives an option to the other, either to hold the party in breach to the contract and ask for its performance or to rescind the contract altogether. If the option is exercised to rescind the contract, the contract is at an end in so far as its performance by one or the other or both is concerned. The contract, however, survives for any incidental or ancillary purpose because the determination of the quantum of damages for breach or the "the enforcement of the arbitration clause, if any, depends upon the terms in the agreement, and it may be looked into for the limited purpose."

From this it follows that even after determination of the contract ,the contract survives for incidental or ancillary purposes. Referring to the facts of the case before them, the Madhya Pradesh High Court held that the case before them was one in which both sides elected not to proceed with the performance and to terminate the contract and treat it as rescinded. Therefore, in the case before them, there was nothing more to be done in pursuance of the contract. In fact there Lordships further observe:

> "Payment of price is a different matter and claim for damages is quite another. We do not conside-

it necessary to examine "examine cases of frustration, novation, etc., because those cases must be pronounced upon when they arise."

Sri B. T. Parthasarathy pointed out with reference to Ansons Law of Contract that a contract is discharged (a) by agreement, (b) by performance, (c) by breach, (d) by frustration or (e) by operation of law. He submits that the case of the petitioner, comes under discharged by agreement and not by performance or any other head. On the basis of my finding on the question of fact, the case comes under discharge by breach. Even then, it is contended that owing to discharge of the contract by breach, the contract ceases to subsist. In this context a reference to the decision of the Supreme Court in A. I. R. 1954 S. C. page 2 6 and an examination of its implication becomes relevant. It is pointed out by the learned counsel for the respondent that the Supreme Court has unequivocally repelled the contention that supplies of goods having been made by the contractor, there was no longer any contract for supply of goods in existance but only an obligation arising under the guarantee clause. While repelling the contention, their Lordships of the Suprme Court observe:

"When a contract consists of a number of terms and conditions, each condition does not form a separate contract but is an item in the one contract of which it is a part. The consideration for each condition in a case like this is the consideration for the contract taken as a whole. It is not split up into several considerations apportioned between each term Separately."

Sri B. T. Parthasarathy laid emphasis on the term "for the execution of any works" in Section 9A of the Act. His contention is that after the repudiation of the contract by the petitioner and on its acceptance acceptance by the Public Works Department, there was no contract for execution of any works. This construction was not accepted by the Supreme Court, as indicated by their observations referred to above, and the following observations:

"It was contended, on the strength of certain observations in some English cases, that the moment

a contract is fully executed on one side and all that remains is to receive payment from the other,' then the contract terminates and a new relationship of debtor and creditor takes its place.. With the utmost respect we are unable to agree. There is always a possibility of the liability being disputed before actual payment is made and the vendor may have to bring an action to establish his claim to payment. The existence of the debt depends on the contract and cannot be established without showing that payment was a term of the contract."

It must be noticed that explanation in Section 9A excludes from the purview of Section 9A a contract which has been fully performed by the person by whom it has been entered into with the appropriate Government and in that circumstance the contract is to be deemed not to subsist, by reason of the fact that the Government has not performed its part of the contract either wholly or in part. It must be mentioned that it was fairly conceded by Sri B. T. Parthasarathy that the petitioner's case does not come within the purview of the explanation. The exception to the application of Section 9A of the Act provided in the explanation refers to a case of discharge of contract by performance, *i.e.*, "where the contract is fully performed" by one party. All other cases not covered by the Explanation come within the scope of the disqualification under Section 9A. Sri Parthasarathy also made it clear that excepting the execution of the works under the contracts, the rights and liabilities of the parties were to be determined according to the terms of the contracts. The petitioner's counsel contended that the observations of the Supreme Court relate only to a case of discharge of contract by performance and not by agreement or breach. This cannot be accepted. The observations of the Supreme Court with reference to the existence of the debt that the same depends on the terms of the contract also refer to the existence of rights and obligations arising for determination under the terms and conditions of the contract, discharged under the circumstances other than by performance, *viz.*, (a) by agreement or (b) by breach, (which are relevant to this

case). Therefore, on the reasoning of the Supreme Court, the existence of the rights and obligations between the parties cannot be established without reference to the terms of the contract. Hence, the contract survives for the working out of ancillary matters relating to the rights and liabilities of the parties under the contract. It is pointed out that the explanation to Section 9A was included in the Representation of the People (Amendment) Act, 1966, to avoid the rigour of the Supreme Court decision with regard to persons who had fully performed their part of the contract. It appears to be so.

My attention was also drawn by the learned counsel for the respondent, to the observations of the Supreme Court regarding the purpose of inclusion of Section 7(d) of the Representation of the People Act, as it then was, which now corresponds to Section 9A of the Act, as amended in 1966. The observations of the Supreme Court are:

> "The purpose of the Act is to maintain the purity of the legislatures and to avoid a conflict between duty and interest. It is obvious that the temptation to place interest before duty is just as great when there is likely to be some difficulty in recovering the money from Government (for example, if Government were to choose not to ratify the contracts) as when there is none."

I may also refer in this connection to the observation of the Calcutta High Court in A.I.R. 1950, Cal. page 92, which is as follows:

> "Provisions like Section 7(d) have been a familiar feature of election laws from very early times. They are based on a sound, solemn and salutary principle which democracies or democratic constitutions can ill afford to spare or ignore. Their purpose is to guarantee the purity of the legislature and of the administrative machinery as well and it has been variously put by various eminent judges and noted authorities but always with an eye to the guarantee of purity of the legislature and the administration and to keep the source or the fountain-head of law and the stream of administration unsullied and free from

corruption. The basic standpoint is "to prevent conflict between interest and duty which would otherwise inevitably arise" (per Lindley L. J. in Nutton v. Wilson, (1889) 22 QBD 744 at p.748) and 'to prevent the member concerned from being exposed to temptation or even the semblance of temptation' (per Lords Esher M R. in the same case, (1889) 22 QBD. 744 at p. 747), and that has never been questioned."

Bearing these principles in mind, even though the contract may be repudiated by one party and repudiation is accepted by the other, and there is a discharge of the contract by agreement, or there is a discharge of the contract by breach, by the failure of one of the parties to perform his part of the contract, the mutual claims between the parties required to be determined under the terms of the contract which exists though for ancillary purposes, giving rise to the conflict between interest and duty as visualised in the observations of the Supreme Court and the other decisions which I have quoted above. Therefore, in the circumstances of this case, the contention of the respondent that the disqualification under Section 9A of the Act attaches to the petitioner, even though there may be a determination of the contract between him and the State should be accepted.

For these reasons, my finding on the first issue in the case is that the contractual relationship between the petitioner and the Government was subsisting on 21st January 1967 and the petitioner was disqualified to stand for election under Section 9A of the Act.

In the result, the Election Petition is dismissed. In the circumstances of the case, I direct that the petitioner shall pay the costs of the respondent. Advocate's fee is fixed at Rs. 500.

Sd. K. R. GOPIVALLABHA IYENGAR,
Judge.
1—8—1967

By Order,
K. S. RAJAGOPALAN,
Secretary to the Election Commission, India.

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 140 LCR 67, Bangalore, dated, 15th September 1967.

Ordered that the Indian Boiler (Fourth Amendment) Regulations, 1967 published in G. S. R. No. 1306 dated 21st August 1967, which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (i), dated the 2nd September 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secy. to Govt.
110 *Dept. of Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA.

NOTIFICATION.

New Delhi, the 21st August 1967.

G. S. R. 1306.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923, (5 of 1923), the Central Boilers Board hereby makes the following Regulations further to amend the Indian Boiler Regulations 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

1. The Regulations may be called the Indian Boiler (Fourth Amendment) Regulations, 1967.

2. In the Indian Boiler Regulations, 1950, in sub-regulation (b) (1) of Regulation 266, for the paragraph containing the formula regarding the value of E, the following shall be substituted, namely :—

"The value of E may be taken as unity when the diametral cross sectional area of the compensating frame and/or ring is equal to or greater than the diametral cross-sectional area of the opening in the end plate to be compensated."

[No. BL-9 (3)/65-EEI.]

P. J. MENON, Secy.

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 186 LCR 67, Bangalore, dated 16th September 1967.

Ordered that the Indian Boiler (Fifth Amendment) Regulations, 1967 published in G. S. R. No. 1307 dated 21st August 1967 which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (i), dated the 2nd September 1967, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secy. to Govt.,
Department of Law and Parliamentary Affairs.

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GOVERNMENT OF INDIA.

NOTIFICATION

New Delhi, the 21st August 1967.

G. S. R. 1307.—In exercise of the powers conferred by Section 28 of the Indian Boilers Act, 1923 (5 of 1923), the Central Boilers Boards hereby makes the following Regulations further to amend the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

1. These Regulations may be called the Indian Boiler (Fifth Amendment) Regulations, 1967.

2. In the Indian Boiler Regulations, 1950 for Regulation 255, the following Regulation shall be substituted, namely :—

"255. *Position of the Tube holes.*—Tuble holes in welded seams should be avoided. Where they are unavoidable they may be machined through welded seams after these seams have been radiographed and stress relieved. The efficiency of the ligamend in the direction of weld shall be multiplied by a weld factor not exceeding 0.95 except where the distance from the edge of the Tube hole to the edge of the weld is greater than 13 mm. (1/2 in.). The edge of the weld shall be considered to be the edge of the weld groove as machined in the plate prior to welding."

[No. BL-9 (30)/65-EEI.]

P. J. MENON, Secy.

NOTIFICATION

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 137 LCR 67, Bangalore, dated 16th September 1967.

Ordered that the Indian Boiler (Third Amendment) Regulations, 1967, published in G. S. R. 1308 dated 21st August 1967 which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (i), dated the 2nd September 1967, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

112 H. K. ANANTHASUBBA RAO,
Under Secy. to Govt.
Dept. of Law and Parliamentary Affairs.

GOVERNMENT OF INDIA

NOTIFICATION

New Delhi, the 21st August 1967.

G.S.R. 1308.—In exercise of the powers conferred by Section 28 of the Indian Boilers Act, 1923 (5 of 1923), the Central Boilers Board hereby makes the following Regulations further to amend the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

1. The Regulations may be called the Indian Boiler (Third Amendment) Regulations, 1967.

1. In the Indian Boiler Regulations, 1950, Regulation 626, for the words and figures "or Chapter XI" the words and figures "and/or Chapter V" shall be substituted.

[No. BL-9 (33)/65-EEI.]

P. J. MENON, Secy.

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 138 LOR 67 Bangalore, dated 16th September 1967.

Ordered that the Indian Boiler (Sixth Amendment) Regulations, 1967 published in G. S. R. No. 1310 dated 21st August 1967 which has been published in the *Gazette of India* Extraordinary Part II Section 3, sub-section (i), dated the 2nd September 1967, be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secy. to Government,
114 *Dept. of Law and Parliamentary Affairs*

GOVERNMENT OF INDIA.

NOTIFICATION

New Delhi, the 21st August 1967

G.S.R. 1310.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), the Central Boilers Board hereby makes the following Regulations further to amend the Indian Boiler Regulations 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

1. The Regulations may be called the Indian Boiler (Sixth Amendment) Regulations, 1967.

2. In the Indian Boiler Regulations, 1950, for sub-regulation (2a) of Regulation 1, the following shall be substituted, namely:—

"2 (a) These Regulations generally apply to

(i) all boilers, including those working on the principles of natural circulation, forced circulation and forced flow with no fixed steam and water-line, and

(ii) to steam-pipes."

[No. BL-9 (13)/66-EEI.]

P. J. MENON, Secy.

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 139 LCR 67, Bangalore, dated 16th September 1967

Ordered that the Explosives (Second Amendment) Rules, 1967 published in G. S. R. No. 1311 dated 23rd August 1967 which has been published in the *Gazette of India* Extraordinary Part II, Section 3, sub-section (i), dated the 2nd September 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secy. to Government,
114 *Dept. of Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA.

NOTIFICATION

(Department of Industrial Development)

New Delhi, the 23rd August 1967.

G.S.R. 1311.—In exercise of the powers conferred by Sections 5 and 7 of the Indian Explosives Act, 1884 (4 of 1884) the Central Government hereby makes the following rules further to amend the Explosives Rules, 1940, the same having been previously published as required by Section 18 of the said Act, namely:—

1. (i) These Rules may be called the Explosives (Second Amendment) Rules, 1967.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Explosives Rules, 1940, in rule 3 in the definition relating to "District authority":—

(a) in paragraph (iii), the word 'and' shall be omitted;

(b) paragraph (iv) & (v) shall be renumbered as paragraphs (vii) and (viii) and before paragraph (vii) as so numbered, the following paragraphs shall be inserted, namely: —

"(iv) in the city of Bangalore" the Commissioner of Police, Bangalore City ;

(v) in the city of Nagpur, the Commissioner of Police, Nagpur City ;

(vi) in the City of Poona, the Commissioner of Police Poona City ;"

(c) in paragraph (vii) as so renumbered the word "and" shall be added at the end.

[No. 38/4/67-LI (I).]

R. K. RANGAN, Dy. Secy.

ELECTION COMMISSION, INDIA.

Talkatora Road,
NEW DELHI-1.

Dated the 13th September, 1967.

ORDER.

No. MY-LA/143/67.—WHEREAS the Election Commission is satisfied that Shri H. Vasudeva Kini, S/o Shri Narashima Kini, Kukkuje Village, Heddarangadi Karkal Taluk, Post Donderangadi, a contesting candidate for election to the Mysore Legislative Assembly from 143-Karkal constituency, has failed to lodge an account of his election expenses required by the Representation of the People Act, 1951, and the Rules made thereunder ;

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure ;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri H. Vasudeva Kini to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

Department of Law and Parliamentary Affairs

NOTIFICATION.

No LAW 128 LCR 67, Bangalore, dated 2nd September 1967.

Ordered that the accompanying Notification No. S.O. 2768, dated 3rd August 1967 giving notice of its intention to declare certain area near Fort Wall near Gol Gumbaz in Bijapur Taluk as a prohibited area which has been published in the *Gazette of India*, Extraordinary Part-II, Section 3, sub-section (ii), dated the 12th August 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. Ananthasubba Rao,
97 *Under Secretary to Government.*
Dept. of Law and Parliamentary Affairs.

GOVERNMENT OF INDIA

MINISTRY OF EDUCATION

(Cultural Activities Division-I)

[CAI (I) Section]

ARCHAEOLOGY

New Delhi, the 3rd August 1967.

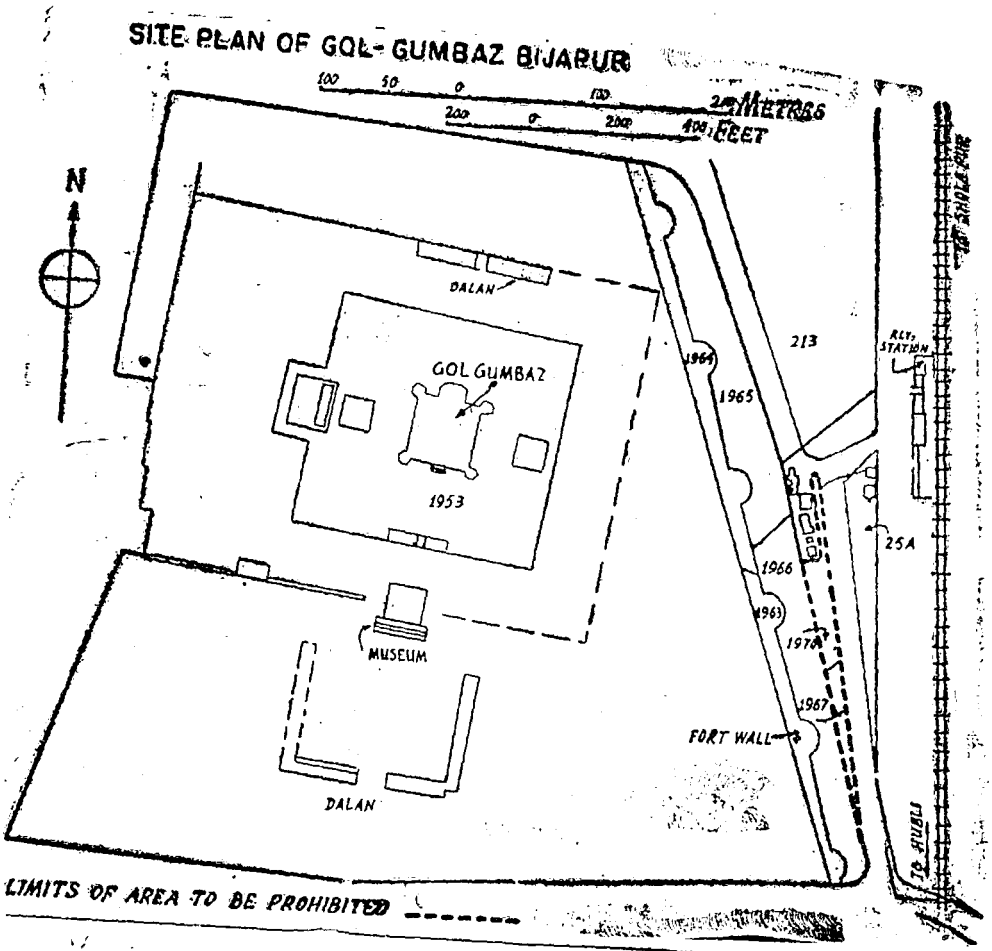
S.O. 2768.—Whereas the Central Government is of opinion that the area near or adjoining the protected monument specified in the Schedule attached hereto, be declared to be a prohibited area for the purposes of construction or mining or both ;

Now, therefore, in exercise of the powers conferred by rule 31 of the Ancient Monuments and Archaeological Sites and Remains Rules, 1959, the Central Government hereby gives notice of its intention to declare the said area as a prohibited area.

Any objection made within one month of the date of issue of the notification by any person interested in the said area will be considered by the Central Government.

"THE SCHEDULE"

Sl. No.	State	District	Tahsil/Taluk	Locality	Name of monument	Revenue plot numbers to be declared prohibited	Area	Ownership	Details of modern construction if any in the area to be declared prohibited	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	Mysore	Bijapur	Bijapur	Bijapur	Fort wall near Gol Gumbaz.	Part of survey plot Nos. 1970 and 1967 as shown in the plan reproduced below.	25 Guntas of survey plot No. 1970 and 10 Guntas of survey plot No. 1967.	M/s. Mahalaxmi Co., Private Ltd.	Nil	The total areas of survey Plot Nos. 1970 and 1967 are 1 Acre and 4 Guntas and 8 Acres and 4 Guntas respectively.



[No. F. 4/28/66-CAI(S).]

SHARDA RAO, (Mrs.)

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

NOTIFICATION.

No. LAW 114 LCR 67, Bangalore, dated 29th September 1967.

Ordered that the accompanying Notification No. G.S.R. 1319 dated 30th August 1967 exempting the members of the Armed Forces of the Union of India departing from India on Official Duty in Government transport and the members of the family of such persons accompanying them in such transport from the provisions of Section 3 of the Passports Act, 1967 (15 of 1967) which has been published in the Gazette of India Extraordinary Part II, Section 3, sub-section (i), dated the 30th August 1967 be republished in the Mysore Gazette for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secy. to Govt., Dept. of
122 *Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA.

MINISTRY OF EXTERNAL AFFAIRS

NOTIFICATION.

New Delhi, the 30th August 1967.

G.S.R. 1319.— In exercise of the powers conferred by section 22 of the Passports Act, 1967 (15 of 1967) the Central Government being of the opinion that it is necessary in the public interest so to do hereby exempts the members of the Armed Forces of the Union of India departing from India on official duty in Government transport and the members of the family of such persons accompanying them in such transport from the provisions of section 3 of the said Act.

(No. VI/401/26/67/Vol. II.)
S. BIKRAM SHAH, Jt., Secy.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 1—C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 27th September, 1967.

ORDER

No. MY-LA/168/67.—Whereas Dr. Parthasarathi Subbarayalu Naidu, Maratha Galli, Hubli a contesting candidate for election to the Mysore Legislative Assembly from the 168. Hubli constituency, failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder, and was given due notice of such failure;

And whereas, the Election Commission is satisfied that the account since lodged by him has not been lodged in the manner prescribed in the said Act and Rules, and he had not furnished any good reason or justification for the failure;

Now, therefore, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Dr. Parthasarathi Subbarayalu Naidu to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 3rd October, 1967.

ORDER

No. MY-LA/78/67.—Whereas the Election Commission is satisfied that Shri K. Ramaiah Setty, No. 381, Shradhanand Bhavan Road, Vishwashwarpuram, Bangalore-4, a contesting candidate for election to the Mysore Legislative Assembly from 78-Basavangudy constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And Whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, Therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Ramaiah Setty, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

HOME SECRETARIAT

NOTIFICATION

No. HD 61 TRV 67, dated Bangalore, the 5th October 1967.

Ordered that the Government of India, Ministry of Industrial Development and Company Affairs, Department of Industrial Development, Order No. 1 (113)/65 A.E. Ind.(I) dated the 19th September 1967 published in Part II, Section III, sub-section (ii), of the *Gazette of India*, Extraordinary, dated the 19th September 1967 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

120

C. RAJANNA,
Under Secretary to Govt.,
Home Department.

GOVERNMENT OF INDIA

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS,

Department of Industrial Development

New Delhi, the 19th September 1967

ORDER.

S. O. 3405—In exercise of the powers conferred by section 18G of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with section 21 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby rescinds the Commercial Vehicles Distribution and Sale) Control Order, 1963, with immediate effect, except as respects things done or omitted to be done under the Order so rescinded.

[(File No. 1(113)/65-A. E. Ind. (I)]

N. SUBRAHMANYAM,
Special Secretary to the Government of India

Printed by the Director of Printing, Stg. & Publications at the Govt. Press, Bhow.

PART IV

Section 1—C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

ORDER

No. FSD 91 BCS 67, Bangalore, dated the 16th October 1967.

Ordered that the G. S. R. 1321, issued by the Government of India, Ministry of Food, Agriculture, Community Development and Co-operation, which has been published in the *Gazette of India*, Extraordinary Part II, Section 3, sub-section (i), dated the 31st August, 1967 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

HARISARVOTHAM RAO,
Under Secretary to Government,
Food, Civil Supplies and
Labour Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

(Department of Food)

NOTIFICATION

New Delhi, the 31st August 1967.

G.S.R. 1321.—In pursuance of Section 12A of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following further amendments to the notification of the Government of India in the late Ministry of Food and Agriculture (Department of Food), No. GSR 1842, dated 24th December, 1964, namely :—

In the said Notification, in Schedule II,

(i) after serial number 12E and the entry relating thereto, the following serial numbers and the entries shall be inserted, namely :—

1	2	3
"12F	...	The Bihar Foodgrains (Declaration of Stock by Cultivators) Order, 1967.
12G	...	The Bihar Foodgrains Procurement Order, 1967.
12H	...	Order No GSR 96, dated 15th July 1967 regarding intra-State movement restrictions on maize." ;

(ii) after serial number 50K and the entry relating thereto, the following serial numbers and the entries shall be inserted, namely :—

1	2	3
"50L	...	The Mysore Babyfood (Maintenance of Accounts, Display of Prices and Stocks) Order, 1967.
50M		The Mysore Edible Oils and Vanaspathi (Maintenance of Accounts, Display of Prices and Stocks) Order, 1967" ;

(iii) after serial number 85AA and the entry relating thereto, the following serial number and the entry shall be inserted, namely :—

1	2	3
"85AB	...	The West Bengal Aus and Boro (Procurement) Order, 1967";

(iv) after serial number 91E and the entry relating thereto, the following serial numbers and the entries shall be inserted, namely :—

1	2	3
"91F	...	The Delhi Food rains (Declaration and Disposal of Produce) Order, 1966,
91G	...	The Delhi Prevention of Hoarding of Foodgrains Order, 1966.
91H		The Delhi Coarse Grain (Export Control) Order, 1966

[No. 203 (Genl.) (9) 960/66-Py. II]

R. BALASUBRAMANIAN, Jt. Secy

HOME SECRETARIAT.

NOTIFICATION.

No. HD 106 TBS 67, Bangalore, dated 4—6th October 1967.

Ordered that the Government of India, Ministry of Industrial Development and Company Affairs, (Department of Industrial Development) Order No. 1(113/65-A.L. Ind. (I) dated 19th September 1967 published in Part II, Section III, sub-section (ii) of the *Gazette of India*, Extraordinary dated 19th September 1967, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

C. RAJANNA,

123 *Under Secy. to Govt., Home Dept.*

GOVERNMENT OF INDIA

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS,

(Department of Industrial Development)

New Delhi, the 28th Bhadra, 1889 19th September 1967.

ORDER

S. O. 3407.—In exercise of the powers conferred by section 18G of the Industries (Development and Regulation) Act, 1951 (65 of 1961), the Central Government hereby makes the following Order further to amend the Scooters (Distribution and Sale) Control Order, 1960, namely:—

1. (1) This Order may be called the Scooters (Distribution and Sale) Control (Amendment) Order, 1967.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Scooters (Distribution and Sale) Control Order, 1960—

(i) in clause 2, in sub-clause (d),—

(a) for the words "includes every description of" the expression "includes,—

(i) every description of"

shall be substituted;

(b) the expression "(ii) a three-wheeler whether called and motor knaw, a delivery van or by any other name;" shall be added at the end;

(ii) In clause 5,

(a) in sub-clause (i), for the words "Schedule" the words and figures "Schedule I or, as the case may be, Schedule II" shall be substituted;

(b) in sub clause (2), for the letters and figures "Rs. 250" the letters figures and words "Rs. 500 in the case of a three wheeler and Rs. 250 in any other case" shall be substituted;

(iii) in clause 7, for the second proviso the following proviso shall be substituted, namely.—

"provided further that the Controller or, in a State an officer appointed for the purpose by the Government of that State, may after making such enquiries as he deems fit, authorise the dealer by permit in writting to sell the scooter—

(a) if the person whose name has been registered in the register of the dealer is dead, to the heir of such person;

(b) if it is company and subsequent to the registration of its name in the register of the dealer;

(i) it has changed its name, in the name of the company so changed;

(ii) it has transferred the undertaking, property and liabilities to any other company as a result of amalgamation sanctioned by the court, in the name of the company to which the undertaking, property and liabilities have been transferred;

(iii) it is amalgamated as a result of order of the Central Government made in that behalf, in the name of the company resulting from the amalgmation and specified in that order";

(iv) after clause 7, the following new clause shall be inserted, namely:

"7A. **Sale of scooter which is a three-wheeler under hire purchase scheme.**—Where a person intends to purchase a scooter which is a three-wheeler in terms of *bonafide* hire purchase agreement, the dealer may, while selling the said scooter to him, issue the invoice in the name of the hire-purchasing company which has financed the purchase of that scooter with an endorsement thereon that the scooter is for the person whose name is on the register maintained in the said dealer under clause 6 ";

(v) in clause 9, in sub clause (i), for the words "one year", the words "two years in the case of a three-wheeler and one year in any other case" shall be substituted;

(vi) the schedule shall be renumbered as "Schedule I" and in the heading to Schedule I as so renumbered, for the words "scooter/Motor-Cycle" the words "scooter other than a three wheeler" shall be substituted;

(vii) after schedule I as so renumbered the following schedule shall be inserted, namely:—

"SCHEDULE II"

[*See* clause 5 (i)]

Application for the purchase of a scooter which is a three-wheeler

To

(Name and address of the dealer)

Dear Sir,

I/we want to purchase a.....(Description of the three-wheeler scooter),

2. Please book my/our order and let me/us know the registration number of the order and the price of the said three wheeler scooters. I/we forward herewith a Post Office Saving Bank Pass Book to show that I/we have opened a Security Deposit Account in..... Post Office for Rs 5 0 pledged in your favour which will not be withdrawn by me/us except on a written authority from you at the time the vehicle is ready for delivery.

3. The other requisite particulars are given below—

(a) Full name and address of the applicant:

(b) Vocation of the applicant and the normal place of business or residence;

(c) Whether the applicant pays income tax;

(d) Purpose for which the vehicle is required;

(e) If the vehicle is required to be plied as a public carrier, the number and date of the permit obtained from the Transport authorities may be indicate; where no permit has already been obtained, the date of application for a permit and the route or area or which the permit has been sought may be stated;

(f) If the vehicle is required to replace a vehicle already in use, the following particulars of the old vehicle should be furnished:

Make with Engine and Chassis number	Number of years for which is has been in use	Registration Number and dated	Permit Number

(g) Particulars of the three wheeler scooter, if any, owned by the applicant during the two years preceeding the date of the application in the following form:

(A) Vehicle still in possession.

Registration number of the vehicles	Make	Pay-load	Date of purchase

(B) Vehicles which have been sold during the last two years.

Registration number of the vehicles	Make	Pay-load	Date of purchase	Date of sale	Name and address of party whom the vehicle has been sold.

(h) whether the applicant has registered for a three wheeler scooter with any other dealer; (if the answer is yes, the particulars of the order should be stated);

(i) Number and date of the Post Office Security Deposit Account;

(j) Specifications of the three wheeler scooter to be purchased;

(k) What arrangements have been made for the payment of the price of the vehicle? (If it is proposed to acquire it on hire-purchase basis, the name and address of the financier from whom it is proposed to get the necessary funds may be stated or if it is intended to obtain a loan for the payment of the price, the name and address of the creditor and whether the vehicle is proposed to be mortgaged by way of security, shall all be stated).

4. Further, I/we do solmenly affirm and declare that I/we have not purchased a new three wheeler scooter during this calendar year.

Yours faithfully,

Signature of applicant/s.

Date.. .....

[File No. 1 (113) 65-A. E. Ind. (I).]

Sd./ N. SUBRAHMANYAM,
Special Secretary to the Government of India.

Printed by the Director of Printing, Stty. & Publications at the Govt. Press, B'lore.

PART IV

Section 1—C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

NOTIFICATION

No. GAD 11 ITR 67, dated Bangalore, the 26th October 1967.

Ordered that the Notification No.5/4/67-SR (S) dated 7th October, 1967, published by the Government of India, Ministry of Home Affairs, New Delhi be republished in the *Mysore Gazette*, for information.

By Order and in the name of the Governor of Mysore,

129 N. J. GOREPEERZADE,
Deputy Secretary to Govt.,
General Admn. Department.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS,

New Delhi, the 7th October 1967

ORDER.

In exercise of the powers conferred by sub-section (3) of section 115 of the State Reorganisation Act, 1956 (37 of 1956), the Central Government hereby determine that Shri Mansing Lalsing Rajput, Ex-Armed Police Constable, of the erstwhile State of Bombay who was dismissed from service with effect from 8th June 1954 and who has since been reinstated in service shall, with effect from the 1st November, 1956, be finally allotted to serve in connection with the affairs of the State of Mysore.

[No. 6/1/67-SR(S)]

(Sd.)

B. SHUKLA

Deputy Secretary to the Government of India.

HOME SECRETARIAT.

NOTIFICATION.

No. HD 51 TRV 67, Bangalore, dated 5th October 1967.

Ordered that the Government of India, Ministry of Industrial Development and Company Affairs, Department of Industrial Development, Order No. 1 (113)/65-A. E. Ind. (I), dated the 19th September 1967 published in Part-II Section III, sub-section (ii) of the *Gazette of India Extraordinary* dated the 19th September 1967, be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

C. RAJANNA,
Under Secretary to Government,
Home Department.

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GOVERNMENT OF INDIA

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS,

(Department of Industrial Development)

New Delhi, the 28th Bhadra 1889
(*19th September* 1967).

ORDER

S.O. 3406—In exercise of the powers conferred by section 18G of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with section 21 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby rescinds the Commercial Vehicles (Distribution and Sale) Control Order, 1963, with immediate effect, except as respects things done or omitted to be done under the Order so rescinded.

[File No. 1 (113)/65-A.E. Ind. (I)]

(Sd.) N. Subrahmanyam,
Special Secretary to the Government of India.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1,

Dated the 19th October, 1967.

ORDER

No. MY-LA/139/67.—WHEREAS the Election Commission is satisfied that Shri K. Muddu Suvarna, Katpady P.O., South Kanara, a contesting candidate for election to the Mysore Legislative Assembly from 139-Udipi constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri K. Muddu Suvarna to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 24th October, 1967.

ORDER.

No. MY-LA/73/67.—WHEREAS the Election Commission is satisfied that Shri Sarangapani Naidu, 1091-1, 7th Main, I Cross, Sriramapuram, Bangalore, a contesting candidate for election to the Mysore Legislative Assembly from 73-Maleswaram constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the people Act, 1951, and the Rules made thereunder.

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure ;

NOW, THEREFORE, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri Sarangapani Naidu to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 24th October, 1967.

ORDER.

No. MY-LA/111/67.—WHEREAS the Election Commission is satisfied that Shri Mahadevaiah, S/o Shri Ankaiah, Ariyur, Hullahalli Hobli, Nanjangud Taluk, a contesting candidate for election to the Mysore Legislative Assembly from the 111-Nanjangud constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has not good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mahadevaiah to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

131 K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

Talkatora Road,
NEW DELHI-1.

Dated the 24th October, 1967.

ORDER.

No. MY-LA/86/67.—WHEREAS the Election Commission is satisfied that Shri Ramaswamiah, 62/3, Hegganur, Doddalahalli Post, Uyyamballi Hobli, Kanakapura Taluk, a contesting candidate for election to the Mysore Legislative Assembly from 86-Sathanur constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder ;

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure ;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ramaswamiah to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 24th October 1967.

ORDER

No. MY-LA/194/67.—WHEREAS the Election Commission is satisfied that Shri Getannavar Basavanneppa Ghulappa at post Hidakal Colony, Taluk Hukeri, a contesting candidate for election to the Mysore Legislative Assembly from 194-Hukeri constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Getannavar Basavanneppa Ghulappa to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1,

Dated the 25th October, 1967.

ORDER

No. MY-LA/148'67.—WHEREAS the Election Commission is satisfied that Shri K. C. Sannegowda, Zamindar, Nagarahalli, Marle Post, Chickmagalur, a contesting candidate for election to the Mysore Legislative Assembly from 148-Birur constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after due notice, has not given any reason or explanation for the failure;

NOW, THEREFORE in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri K. C. Sannegowda to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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PART IV

Section 1—C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

ELECTION COMMISSION, INDIA.

NEW DELHI,

Dated the 21st October, 1967.

NOTIFICATION

No. 82/MY-/4/67 .—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 30th August, 1967, by the High Court of Mysore at Bangalore in Election Petition No. 4 of 1967.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the 30th day of August 1967.

Before

The Hon'ble Mr. Justice K. R. Gopivallabha Iyengar.

Election Petition No. 4 of 1967.

C M. Armugam, son of Muniswamy. Hindu, Adi Dravida, aged about 40 years, residing in 1st Cross Road, Robertsonpet, K. G. F. .... *Petitioner.*

By Sri V.K. Govindrajulu.

Vs.

1. S. Victor Rajagopal *alias* S. Rajagopal, son of Sahadevan Indian Christian Protestant, aged about 35 years, residing at No. 41, Chelly's Block, Marikuppam, K. G. F.

2. G. Muniyappa, son of Chinnappa, Hindu, Adi Dravida aged about 50 years, residing in Giddegowdanaha li, Marikuppam, K. G. F.

3. A. Muniswamy, son of Avalappa, Hindu, Adi Dravida, aged about 46 years, residing in third cross road, Robertsonpet, K. G. F.

4. Muniswamy, son of Mari, Indian Christian, aged about 47 years, residing in S. T. Block, Oorgaum Post. K. G. F. .... *Respondents.*

Respondent No. 1 by Sri V. Krishnamurthy, Sri V. Tarakaram and Sri V. S. Sadasivan and Respondents 2, 3 and 4 being absent and unrepresented, treated *ex parte.*

Election Petition filed by the Petitioner under Section 81 of the Representation of the People Act, 1951 challenging the election of the Respondent No. 1 to the Mysore Legislative Assembly for the reserved seat of Kolar Gold Fields Constituency in the General Elections held in February, 1967 and seeking an order that the election of the 1st respondent for the reserved seat of Kolar Gold Fields Constituency is declared void and the petitioner is declared as duly elected to the Mysore Legislative Assembly from the said Constituency and praying for costs of this Petition and such other reliefs Court deems fit to grant.

This Election Petition coming on for trial on Wednesday 19th, Thursday 20th, 26th Wednesday, Thursday 27th, Friday 28th, Monday 31st, days of July, 1967 and Tuesday 1st, Wednesday 2nd, Thursday 3rd, Friday 4th, Monday 7th, Tuesday 8th, Wednesday 9th, Thursday 10th, Friday 11th, Monday 14th, Wednesday 16th, Thursday 17th, Friday 18th, days of August, 1967, in the presence of Sri V. K. Govindarajulu Advocate for the Petitioner and Sri V. Krishna Murthy, Sri V. Tarakaram and Sri S. V. Sadasivan, Advocates for Respondent No. 1. Respondent Nos. 2 to 4 treated as *ex parte* and this Election Petition having stood over for consideration, the Court made the following Order this 30th day of August, 1967.

ORDER.

The petitioner is a member of the Scheduled caste, being an Adi Dravida under Item 24 of Part VIII of the Schedule attached to the 'Constitution' (Scheduled Castes) Order, 1950, issued by the President of India in exercise of the powers vested in him under Art. 341 (1) of the Constitution. The petitioner filed his nomination paper as a candidate for election as a Member of the Mysore Legislative Assembly at the General Election held on the 15th of February 1967, from the Kolar Gold Fields Constituency, for the seat reserved for candidates from Scheduled Castes. Respondents 1 to 4 also filed their nomination papers in respect of the same reserved seat. When the nomination papers came up for scrutiny on 21st January 1967, the petitioner raised an objection that the first respondent was not an Adi Dravida but an Indian (Protestant) and had no qualification to stand as a candidate for election from the seat reserved for Scheduled Castes. The Returning Officer overruled the objection and accepted the nomination paper of the first respondent as valid. Respondents Nos. 2, 3 and 4 withdrew their candidature and therefore the petitioner and the first respondent (hereafter referred to as respondent) were left as the only contestants in the elections held on 15th February 1967. The respondent was declared elected to the Mysore Legislative Assembly as he had secured a larger number of votes than the petitioner. The petitioner has, therefore, filed this Election Petition under Section 81 of the Representation of the People Act, 1951 (hereafter referred to as the R. P. Act).

The petitioner alleges that the respondent was an Indian Christian (Protestant) on the date of the filing of his nomination paper and therefore was not qualified to fill the reserved seat from the Kolar Gold Fields Constituency. It is further alleged that the respondent who was born as an Adi Dravida Hindu became converted to Christianity in 1949 and thereby abandoned his original religion. He thereafter professed the Christian Religion and therefore he cannot be deemed to be a member of the Scheduled

Caste under paragraph (3) of the Constitution (Scheduled Castes) Order, 1950. It is stated that the name of the respondent was S. Rajagopal originally and after conversion to Christianity the respondent's name was changed to S. Victor Rajagopal. It is also stated that on the representation that he was an Indian Christian professing Christianity, he secured admission in the Voorhees Christian Hostel at Vellore which is exclusively intended for members of the Christian Community, his name being given then as Victor Rajagopal, and he also joined the Voorhees High School at Vellore giving his religion as Indian Christian. The petitioner further states that after leaving the High School at Vellore, the first respondent returned to Kolar Gold Fields area and sought employment in the Mysore Mines in November, 1951, giving his religion as Indian Christian and that the same has been entered in the Service Cards of the respondent, and that the representation that he is an Indian Christian has been made on several occasions during his Mining Service. A reference is also made in the petition to the activities of the respondent as Organizer of a Natakasabha called Kavingar Natakasabha K. G. F., the Organizer's name being mentioned as Victor Rajagopal. It is alleged in the petition that the respondent being a Christian took interest in the Christian population of the Kolar Gold Fields and in particular in the Conference of Christians held under the auspices of the Kolar Gold Fields Christian Federation held in January 1967. In the said Conference it is stated that only Christians took part and no Hindu participated in the proceedings. It is further stated that in the said Conference the respondent sponsored the cause of Christian converts from Scheduled Castes urging the Government to extend to such converts the same political privileges as are guaranteed under the Constitution to Scheduled Caste Hindus. On these grounds, the petitioner contends that the respondent having abandoned his caste as an Adi Dravida and Religion as a Hindu and having professed Christianity, he incurs the disqualification under paragraph (3) of the Constitution (Scheduled Castes) Order, 1950 which provides that no person who profess a Religion

different from the Hindu or the Sikh Religion, shall be deemed to be a Member of the Scheduled Castes; thus, the respondent being not qualified to stand as a candidate for election as a member for the Reserved Seat, the election is liable to be declared void under Section 100 (1)(a) of the R. P. Act. The petitioner in paragraph 16 of the petition further submits that as he was the only candidate who took part in the elections, after the withdrawal of respondents 2, 3 and 4, he is entitled to be declared as duly elected.

Respondents 2, 3 and 4 have not put in their appearances and are treated *ex-parte*.

The contesting respondent, *viz.*, the first respondent, in his written statement asserts that his name is S. Rajagopal and not S. Victor Rajagopal. He denies that he is an Indian Christian (Protestant) and claims to be an Adi Dravida Hindu belonging to the Scheduled Caste. He also denies the allegation that he is not qualified to fill the reserved seat of the Constituency It is denied that he became a convert to Christianity in the beginning of 1949. He states that he was born on 10th April 1932 as an Adi Dravida Hindu at Kolar Gold Fields and gives details of his having studied at Mankuppam and Kolar Gold Fields and also about the fact of his arrest in 1948 and detention in the Central Jail for six months, After his release from jail in 1949, he avers that he took shelter near his native place Lalapet which is about five miles from Ranipet and as he wanted to continue his studies in Voorhees High School at Vellore, he contacted one C. A. Joseph who was then the Warden of the Christian Hostel and appealed to him to give his assistance for admission into the said High School and also to be taken as a free boarder. He was admitted to the said institution and he stayed there in the institution for barely two months and thereafter he returned to Kolar Gold Fields. He alleges that during the year 1949 he was a minor. He produces an extract of the Admission Register furnished by the Head-Master of the Voorhees High School which is marked as Exhibit R-17 in the case, which shows the caste of the

applicant as Adi Dravida. He denies that his name was changed to S. Victor Rajagopal and that he intentionally abandoned the Hindu Religion and he openly declared himself as Indian Christian professing Christianity. In paragraph 6 of his written statement he states that he did not voluntarily give his name as Victor S. Rajagopal while joining the Voorhees High School nor did he represent that he was an indian Christian while joining the Voorhees Christian Hostel. In this connection the respondent alleges that late C. A. Joseph who took pity on him when he was externed from the State of Mysore and sought shelter from him, has set out that he was satisfied that the respondent was a Christian and that might have been for the purpose of the respondent being easily admitted as a free-boarder in the Hostel, as the Christian Hostel was restricted to Christians only. The respondent submits that this note in the records that he is an Indian Christian is not in consequence of his change of his religion and getting himself converted to Christianity. He asserts that he does not believe in the Gospel and that he is not a member of the Christian Community. He further contended that whatever late C. A. Joseph might have done, does not bind him.

With reference to his entry into service in November 1951 in the Kolar Gold Fields Mines, the respondent states that he never voluntarily gave his Religion as an Indian Christian. He also denies that he ever voluntarily declared his religion as Indian Christian at any stage during his services. The respondent submits that he contested the Elections for the Mysore Legislative Assembly from the Kolar Gold Fields Constituency seat reserved for candidates from Scheduled Castes in 1962 and the petitioner was one of the opponents. It is alleged by the respondent that when he decided to contest the elections in 1962, he wrote to the Mining Authorities on 8th September 1961 that the entry in the Service Records relating to him contained a wrong description with regard to his caste and religion and sought for the amendment of the record, which was accordingly done. The word "Christian" was deleted from the Service

Records. The respondent contends that the petitioner was fully aware of this fact, even during the 1962 Elections, and that the petitioner at that time did not contest the election of the respondent as a Member of the Mysore Legislative Assembly. He further states that he has married an Adi Dravida lady in 1954 and has 5 children by her; that he along with his brothers and his father continues to live together. For the reason that the petitioner did not contest either the nomination or the election of the respondent in the 1962 Elections, the respondent states that the petitioner is estopped from filing this Election Petition.

With reference to the Christian Conference held under the auspicies of the Kolar Gold Fields Christian Federation, the respondent states that he was invited to address on Minority Rights as he was a Sitting Member of the Legislative Assembly at that time.

The respondent further contends that notwithstanding the alleged conversion into Christianity in 1949, he has been at all material times, at least from the year 1954 when he was married to an Adi Dravida lady in the Hindu form, professing the Hindu Religion, as a Member of the Scheduled Castes. It is further stated that he worships in Hindu temples and that his wife and children continue to observe the Hindu festivals, Hindu customs and that this is enough to say that he is a Member of the Scheduled Castes and that these facts in any event constitute conversion back to Hindu Religion even if it were necessary. It is also stated that the entire Adi Dravida community in Kolar Fields has always accepted the respondent and the members of his family as Adi Dravida and therefore both by professing and practice and acceptance by the community at large and also by religious belief he is a member of the Hindu Community and has been a member of the Scheduled Caste.

With regard to the participation as an Organizer of the Kavingar Natakasabha, it is admitted that the respondent was one of the Organizers of the said Natakasabha but he states that he does not know why the Organizers of the Natakasabha introduced "Victor" in describing him and as

it was not of importance he took no serious notice of it. He therefore submits that the petitioner is not entitled to any relief and that his petition is liable to be rejected with costs.

On the basis of the above pleadings the following issues were framed :—

1. Does the petitioner prove that on the date of election, the respondent No. 1 was an Indian Christian (Protestant) by conversion and not a member of the Scheduled Caste, (Adi Dravida), professing Christian Religion and therefore not qualified to stand for election to the Mysore Legislative Assembly as a candidate for the seat reserved for Scheduled Castes from the Kolar Gold Fields Constituency and his election should be declared void under Section 100 (1) (a) of the Representation of People Act, 1951?

2. Is the petitioner estopped from contending that the respondent is an Indian Christian as set out in para 10 of the Written Statement?

3. Even if it is true that respondent No. 1 got himself converted to Christianity, does the respondent prove the facts and the circumstances set out in para 11 of the Written statement and do they constitute in fact and in law conversion back to Hindu religion as alleged; and is it enough in law to give him the benefit of the Constitution (Scheduled Castes) Order 1950?

4. Is the petitioner entitled to be declared elected if the finding on Issues 1, 2 and 3 are in favour of the petitioner?

5. To what relief is the petitioner entitled?

Sri V. K. Govindarajulu appeared for the petitioner and Sri V. Krishna Moorthy appeared for the respondent.

At the outset it should be recorded that Sri V. K. Govindarajulu, the learned counsel for the petitioner,

does not press the fourth issue, even if the finding on the first issue be in his favour. Therefore, the petitioner cannot be declared to be elected as sought for by him in his petition.

Sri V. Krishna Moorthy, the learned counsel for the respondent has stated that he does not press the second issue and therefore it is not necessary to consider the question as to whether the petitioner is estopped from contending that the respondent is an Indian Christian as set out in paragraph 10 of his petition.

Therefore, the only two issues that arise for consideration are Issues Nos. 1 and 3. Elaborate and detailed arguments are addressed by both counsel on facts and law.

The petitioner has examined 12 witnesses in support of his case while the respondent has examined 16 witnesses. The parties have also produced records from the Voorhees Christian Hostel and the High School, the Mining Authorities and other documents and they are marked as exhibits P-1 to P-26 and R-1 to R-39.

The history of the respondent upto February 1949 when he was released from the Central Jail after being there in detention for a period of six months is not of material importance in this case. The petitioner's learned counsel also does not dispute that the respondent was a student in the Mysore Mines Middle School at Marikuppam and later studied at the Kolar Gold Fields High School, Robertsonpet. Exhibit R-8 (entry dated 23rd June 1947 in the Admission Register of the K. G. F. High School) and Exhibit R-7 (Transfer Certificate dated 10th June 1949) bear out the above facts. It is not disputed that the respondent was detained in the Central Jail, Bangalore, from 29th September 1948 upto 7th February 1949. There is also evidence to indicate that he was detained in prison owing to his activities as a Communist when he was a student in the K. G. F. High School when he was 17 years of age. Immediately after his release the respondent went out of the Mysore State and was staying in his native place Lalapet. The respondent states that he had to be outside

the State for a period of six months as there was an order of externment against him directing him not to enter the State for a period of six months. It is during this period that according to the petitioner the respondent got converted to Christianity. The real controversy in regard to the respondent's conduct, therefore starts from February, 1949, *i.e.*, after his release from the Central Jail, Bangalore.

As a background this, the learned counsel for the petitioner at the outset submits that the close relations of the respondent are amongst persons who belong to the Adi Dravida Community professing either the Hindu religion or the Christian religion. There can be no doubt about this. R. W. 15 is the father of the respondent. His parents were Adidravidas and he has four brothers and three sisters. Two of his sisters Periya Kolandai and Perumal are both Christians. His third sister Kannamma is an Adi Dravida and she is married to a Hindu. One Subramaniam is his cousin and he is a Christian. He says that he visits his Christian relations and also takes food with them and his Christian relations also visit him on special occasions and they also take food with him. Rev. Ashirvadam who is examined as R. W. 9 is related to Subramaniam and one Thangaraj who is also a Christian is a brother of Subramaniam. This witness also speaks of one Gambiram who has married his uncle's daughter and he is a Christian. One Yesu is a relation of his and he is a Christian. The respondent also admits in his evidence that he has a few Christian relations. There is ample evidence of a similar character indicating that the respondent's relations are both in the Christian as well as in the Hindu communities This circumstance is brought to my notice to probabalise the baptism of the respondent into the Christian religion. When the respondent was arrested in the year 1948, he was in the Trade Union Movement. Because of his association with the Communists, he was taken to be a Communist and was arrested by the police. He was released from the Central Jail, in February 1949. After his brief stay at Vellore in the Voorhees Christian Hostel and his attending the Christian High School, came back to K. G. F. in 1950.

Then he joined service in the Mysore Mines under a contractor by name Govindan. After serving the Contractor for about 5 or 6 months he got into regular Mining Services as is borne out by Exhibit P-4, the service card relating to him. These are mentioned with a view to support the argument that the respondent was not a person of immature understanding or unable to understand the significance of what he did. He actually became a member of the Communist Party in 1954. From 1953 to 1955 he continued as a member of the Communist Party. He contested as a candidate of the Communist Party for the reserved seat of the K. G. F. Constituency during 1962 Elections, against 4 or 5 other contestants including the petitioner. He succeeded in the said Elections. The respondent further states that it is in August 1961 that the Communist Party decided to put him up as its candidate for Elections, and it is only thereafter that he came to know that his caste was mentioned as Indian Christian in the Service Record Exhibit P-4. He made an application Exhibit P-7 on 8th September 1961 for correction in regard to his caste and the correction was actually made on 19th January 1962. The petitioner's counsel submits that the conduct of the respondent subsequent to his nomination as a Communist in August 1961 and his application for change of his religion in his Service Card are of very little value in this case for the reasons that his subsequent conduct is bound to be in conformity with the decision of the respondent to stand as a candidate for election to the Mysore Legislative Assembly from the reserved seat of the K. G. F. Constituency. Therefore, the petitioner's counsel urges that the conduct of the respondent between 7th February 1949 upto January 1962 is of utmost importance.

It is undisputed that there is no direct evidence of baptism. No Baptismal Register recording baptism of the respondent is produced. No witness who has witnessed the actual baptism has been examined. The contention of Sri Krishna Moorthy, the learned counsel for the respondent, is that the only evidence of baptism can be the Baptismal Register and no other evidence could be

adduced to prove it. He contends that the oral or documentary evidence adduced by the petitioner from which an inference of baptism can be drawn is inadmissible. In support of this contention, he relies on Section 91 of the Evidence Act. He submits that baptism is a matter required by law to be reduced to the form of a document and therefore no evidence can be given in proof of such baptism, except Baptismal Register or secondary evidence, of its contents provided secondary evidence is admissible under the provisions of the Evidence Act. He invites my attention to paragraph 790 on page 346 of Volume 13 of Halsbury's Laws of England, Third Edition wherein it is said:

> "This minister of every parish is required to keep a register of the public and private baptisms performed in the parish. The prescribed particulars of every baptism, whether public or private must be entered in the register book by the minister as soon as possible after its solemnisation, and in no case later than seven days thereafter unless he is unavoidably prevented from doing so."

The learned counsel also invited my attention to certain passages in "Law applicable to Christians" by Paul Appasamy. At page 166 of the said book there is a passage stating that an entry relating to the baptism must be made in the Church Register and a copy of it should be granted to any one who asks for it In regard to the Christianing as a form of faith, he observes that its practice in India is quite different from what it is in England. At page 171 of the same book we find a clear statement that the Christians in India stand on the same footing in the eye of the law as followers of other creeds, and if Christians possess any distinctive rights of their own they possess them as members of worshippers in churches. In India regarding the right of worship, ceremonial or ritual practice in the church and the control of the church, its officials or trustees etc., there has been no legislation for the Christians as such and the rules and principles of English law are not applicable

to Indian conditions. There is evidence in this case to hold that the administration of the Churches in the area with which we are concerned in this case is governed by the Constitution and the Bye-laws made in accordance with the rules laid down in the Constitution of the Church of South India at present. Therefore, what is set out in paragraph 790 of Halsbury's laws of England, Third Edition, Vol. 13, can only be taken as a direction given to the heirarchy of officers of the Christian Ecclesiastical establishment and it cannot be deemed to be law under Section 91 of the Evidence Act. Hence, I cannot accept the contention that no other evidence can be adduced to establish baptism of the respondent to christianity. Sri V. Krishna Moorthy contends that even granting that the respondent was converted before he joined the Voorhees High School in June 1940, even then he was a minor and a minor is incapable of being baptised without the consent of the guardian. Sri V. K. Govindarajulu submits that in the year 1949, the respondent was about 17 years of age. This is beyond question, as the date of the birth of the respondent is given as 10th April 1932 in his written statement. Sri Govindarajulu, further points out that in his deposition before the court the respondent has stated that he was about 15 or 16 years old when he joined the Voorhees High School. This obviously is not correct and is merely an approximate estimate of his age. There can be no doubt that the respondent was a minor in 1949. But there is no law prohibiting the conversion of a minor to Christianity nor any law making the consent of the guardian obligatory. In fact on page 37 of Paul Appasamy's book it is stated:

> "According to leading authorities like Starbuck, Coe and William James who have written on the psychology of religion, the years between fourteen and twenty are especially the years in which the child begins to think for itself and develop a religious sense of its own, begins to find fault with whatever is false in the beliefs in which it has been brought up and to condemn whatever is morally wrong in the practices to which it has

been accustomed .....According to the strict theory of the law, there is nothing to prevent a minor or major from changing his faith by renouncing the creed of his forefathers and adopting a new form of religion."

P. W. 9 who is the Head Master of the Government High School, Thorapadi, Vellore, is a Christian. He states that there is no age limit for convertion. R. W. 10 whose father was a Presbyter of the Good Sheperd Church at Andersonpet, and who himself is the Secretary of the said Church since 1963 and also an elder of the Church states in his cross-examination that he is acquainted with the Constitution and the Bye-laws of the Church which is marked as Exhibit P-26 and there is nothing in it to prohibit the conversion of minors. The respondent has not also placed any material to indicate that there is any particular provisions regulating the conversion of a minor to Christianity. R. W. 10 states that to his knowledge there is no rule prescribing the age of baptism. In view of the above evidence and the absence of any rule, it must be held that it is quite open for the minor to get converted to Christianity. Even the absence of consent of the guardian would be a matter of irregularity on the part of the Ecclesiastical officers in the discharge of their functions and does not affect the efficacy of baptism.

Sri Govindarajulu's contention is that the circumstances in this case coupled with the admissions of the respondent substantiate the petitioner's contention that the respondent must have been baptized in 1949 before he joined the Voorhees Christian Hostel and the High School. He refers to three sets of evidence referring to the various activities of the respondent to support the case of the petitioner that the respondent was baptized as a Christian and that he professed the Christian religion.

The earliest documentary evidence pertains to the admission of the respondent to the Voorhees Christian Hostel and the Christian High School. Exhibit P-10 is an Account Book of the Voorhees Christian Hostel. Exhibit

P-10(a) corresponding to Serial No. 46 on page 51 of Exhibit P-10 relates to the respondent. Exhibit P-10(b) shows the payment of Rs. 15 towards fee. Exhibit P-10 c) is an entry showing that the respondent left the Hostel in the end of July 1949. Exhibit P-11 is an application form in the hand-writing of one C. A. Joseph made as guardian of the respondent for admission to the Voorhees High School. Exhibit P.12 is a Register of Admissions and Withdrawals of Voorhees High School. The respondent admits that he was an inmate of the Christian Hostel from 20th June 1949. He also attended the Voorhees Christian High School. But he submits that he was unaware of the entries made in any of these documents. The entries on page 51 of Exhibit P-10(a), (b) and (c) are in the handwriting of P.W. 9. P.W. 9 has sworn that Exhibit P-10 is the Account Book he maintained. It would be useful at this stage to refer to the oral evidence of the witnesses who speak about the respondents's stay in the Hostel and his conduct while he was an inmate of the Hostel. P.W. 9 states that admission to the Christian Hostel is exclusively confined to boys professing the Christian religion. He further states that it is under the directions of C. A. Joseph that he admitted the respondent to the Hostel. He was in the service of the Voorhees High School as Assistant Head Master in June 1949. He was there from 1949 to 1952. He went in 1952 to the United States for further studies and he has taken M.A. Degree from Ohio University in the United States. He staes that in 1949 he was the Assistant Manager of the Voorhees Christian Hostel attached to the Voorhees High School and one C. A. Joseph was the Manager C. A. Joseph is no more and after his demise in 1956, P W. 9 became the Manager. His association with the hostel dates from 1938. He states that he knows the respondent and that he belonged to Christian religion. He met the respondent in June 1949 when he came for admission to the hostel. It is P.W. 9 who admitted him to the Hostel under instructions from C. A. Joseph who was the person responsible for admitting the inmates to the hostel. This witness also speaks to the respondent having paid a sum of Rs. 15

towards boarding fee and this borne out by the entry Exhibit P-10(a). The witness further states that the name of the respondent when he was admitted to the hostel is entered as Victor Rajagopal as per entry Exhibit P-10 a). P.W. 9 also speaks to Exhibit P-11 an application form filled up by C. A. Joseph and signed by him as guardian. In Exhibit P-11 in the column pertaining to Nationality, religion or caste of the respondent it is mentioned as an Indian Adi Dravida Christian. His residence is mentioned as Christian Hostel. It may also be mentioned that in Exhibit P-11 the name of the parent was written as Shadagopan and later it has been struck off and noted as Sahadevan. This correction is also initialled by C. A. Joseph. P.W. 9 has identified the writing of Joseph in Exhibit P. 11. This witness also speaks to Exhibit P-12 Register of Admissions and Withdrawals of the Voorhees High School. The residence of the respondent is Christian Hostel as per Exhibit P. 12 b). In Col. No. 14 pertaining to religion, the religion of the respondent is mentioned as Indian Christian. Regarding caste it is mentioned as Adi Dravida as per Exhibits P-12(b) and P-12(c). This witness states that when the respondent was admitted to the Christian Hostel, they were satisfied that the respondent was a Christian. This witness further states that the respondent showed him the baptism certificate issued by one Rev. Vedanayakam, the Presbyter of the Yehamur Church. He further states that the respondent told him that he was baptised at Ponni Anicut Festival This Festival is a gathering of Christians from the surrounding Christian Villages and on this occasion conversion to Christanity takes place. This witnesss wears that he was a person who was supervising the religious observances by the inmates of the Hostel. He states that during his stay in the Voorhees Hostel, the respondent was professing the Christian religion and was taking kindly towards the religious activities of the Hostel though he was not quite conversant with all forms of worship or service as he was a recent convert to the Christian religion. He refers to P.W. 1 Singaram Dorairaj and states that in 1949 he was in the Christian Hostel. In the cross examination of this witness he admits that the

baptism certificate which the respondent showed him did not bear the seal of any church. It is contended by Sri V. Krishna Moorthy that the baptismal certificate spoken to by this witness could be based only on the entries in the Baptismal Register and therefore in the absence of the Baptismal Register or any explanation for not summoning it, the evidence of this witness regarding the baptismal certificate should be discarded. He suggests that the evidence of this witness relating to the baptism certificate is a fiction which cannot be believed at all. In the absence of the Register of Baptisms made at Ponnai Anicut, which was within the Jurisdiction of the Yehamur Church of which Rev. Vedanayakam was the Presbyter, the fact of the respondent having shown the baptism certificate cannot be accepted. There would be much force in this argument provided there was evidence that the Baptismal Register was being maintained in the Yehamur Church in respect of conversions effected at Ponnai Anicut, which is wanting.

It is difficult to discard the evidence of this witness relating to the stay of the respondent in the Christian Hostel and Voorhees Christian High School. Similarly the evidence of this witness regarding Exhibit P-11 cannot also be totally discarded. There is nothing to indicate that this witness has any motive to depose falsely to the prejudice of the respondent. Sri Krishna Moorthi stated that the evidence of this witness that the respondent was admitted after baptism at the Ponnai Anicut is not the allegation made in the petition. It is true that in the petition no reference is made to the baptism of the respondent at Ponnai Anicut. The petitioner could not be expected to give particulars of the exact date of conversion or the place of conversion. He depends on the documentary evidence produced before Court for which he attempts to draw an inference that the respondent was converted to Christianity. It is quite possible that at the time the petitioner filed the petition he was unaware of the place of baptism or the existence of the baptismal certificate. Sri Krishna Moorthy attempted to characterize P. W. 9 as an over-enthusiastic witness who speaks with definiteness of his having seen the baptismal certificate, and gives particulars of the same stating that it had been issued by

Vedanayakam. The further attack against the veracity of this witness is the suggestion made in his cross-examination that this witness sought the assistance of the respondent through one James Paul in connection with his application for appointment as the Head Master of the Anglo Indian High School at K.G.F., which this witness has denied. The respondent has further stated in his evidence that P.W. 9 bears illwill against him because he was not inclined to help him in securing the appointment. An attempt is made to discredit this witness by suggesting that there was a charge of misappropriation against him and that is the reason for the termination of his service as Director of Audio Visual Instruction at Vellore. P. W. 9 has denied this suggestion. He has also denied the suggestion that there was any adverse report against him by the National Christian Council, when he sought for appointment as Head Master of the Voorhees High School. In fact he says that he had been appointed as the Head Master of the Voorhees High School but he did not accept it as the terms that existed at the time of his application were not the same as those on which he was offered the appointment as Head Master It is therefore difficult to discard the evidence of this witness. It is significant to note that in his cross-examination the respondent states that he did not make at any time any enquiry about the official career of P W. 9. This renders the suggestions put to P.W. 9 in his cross-examination and denied by him as being without any basis. P W. 1 corroborates the testimony of P W. 9. He is an Adi Dravida Christian and he is now the Presbyter of the Church of South India at Chittoor. He has two churches in Chittoor Town and twenty two churches in the villages under his jurisdiction and he has been the Presbyter for the last 13 years. He was a student of the Vellore High School from June 1947 to April 1950 and he was an inmate of the Voorhees Christian Hostel. He speaks to the respondent having joined the Christian Hostel and studying in the High School at Vellore. It can be gathered from his evidence that the Manager C. A Joseph was being assisted by P. W. 9 who was acting as Warden in the absence of the Manager. It was P.W. 9 who was collecting

the fee and was maintaining the discipline in the Hostel. This witness admits his caste is Adi dravida and his religion is Christianity. He further states that the respondent was being referred to as Victor Rajagopal during his stay in the Hostel. There is nothing suggested as against this witness as to why he should depose falsely against the respondent in this case. In this connection it would be pertinent to note what the respondent has to say with regard to Exhibits P-10 P-11 and P-12 and P.Ws. 9 and 1. He denies that the entries Exhibits P-10 (a), P-10 (b) and P-10 (c) or any other entries corresponding to Serial No. 46 in Exibit P-10 were made in his presence. He denies that he gave his name as Victor Rajagopal to P. W. 9, and that he was called by that name when he was in the Hostel. He admits that he adhered to the discipline in the Hostel but denies that he offered any prayer before Jesus Christ or that he believed in the Gospel. He denies complete knowledge of P. W. 9 being associated with the Christian Hostel. He states that he had not seen him and he has not given any particulars to him. Similarly he denies all knowledge about P.W. 1. With reference to P. W. 9 he states that P. W. 9 was introduced to him by one James Paul and P. W. 9 requested him to recommend his case to be appointed as Head Master of the Anglo Indian High School at Nandidurg and that he told P. W. 9 that he could support only local candidates and that he could not be of any use to him. James Paul is not examined though he was summoned and attended the Court for a few days. Regarding P. W. 1, I find nothing suggested to him as to why he is giving evidence which is helpful to the petitioner and not in accord with the respondent's case nor has the respondent stated anything against P. W. 1. The respondent deposes that he does not know even now if the Voorhees Christian Hostel is meant exclusively for Christians It must be noted that in paragraph 6 of the written statement he states that the Christian Hostel was restricted to Christians. He is unable to say how long he stayed in the Hostel, or the religious discipline imparted in the Hostel. He denies that any prayers were held in the Hostel during the course of the day. In fact he says that

even on Sundays there were no prayers by the inmates of the Hostel and no religious instructions were imparted to them. He does not remember if C.A. Joseph was conducting the prayers in the Hostel. In any event he admits that he was one with the other inmates in the Hostel in the activities connected with it. He is not aware of any fee being collected from the inmates of the Hostel. He further avers that there was no occasion for him to tell C. A. Joseph whether he was a Hindu or a Christian. He states that when he joined the Hostel, no one asked him particulars regarding his father's name, religion, caste or community or any other particulars. With reference to Exhibit P-11 he says that he never gave any particulars entered in Exhibit P-11 to C.A. Joseph. His version is that he is t tally unaware of the application form signed by C. A. Joseph for admission to the High School at Vellore. The only d cument he says he has furnished to C. A. Joseph is Exhibit R-17, implying thereby that the particulars furnished in Ex. P-11 are from what is found in Exhibit R 17. The religion mentioned in Col. No. 16 of Exhibit R-17 is that he is an Adi Dravida Hindu, while what is stated in Exhibit P-11 is not the same. In Exhibit P-11 the occupation of the respondent's father is given as "Mines Cooly at K.G F." while this information is not available in Exhibit R-17. What is stated in the written statement with reference to the mention of his religion as Indian Adi Dravida Christian by C. A. Joseph in that it might have been mentioned by C. A. Joseph in that manner for the purpose of his easily admitting the respondent as a free boarder. This explanation is reiterated by the respondent in his evidence also. He denies having given any application for admission to any school. While confronted with Exhibit R-5, he denies his signature on the said application for admission. He however admits that he joined the First Year High School Class in the Kolar Gold Fields High School at Robertsonpet and it is he who has summoned the Head Master at Robertsonpet High School to produce Exhibit R-5. He says that after his release from the Central Jail in February 1949, he went to Lalapet to his grand-father who took him to one Devasahayam, a teacher in Tagarakuppam 2 miles

away from Lalapet, who on being requested by the respondent's grand-father to make some arrangement for the respondent's further studies, took him to C. A. Joseph. The respondent says that that was the first time when he met C. A Joseph. He did not apprise C. A. Joseph of his externment and he is unable to say why C. A. Joseph took pity on him. The respondent further states that he did not tell even Devasahayam of the fact of his having been arrested, detained or externed from the State. The statement of the respondent with reference to Exhibits P-10 and P-11 suggests that C. A. Joseph arranged for the respondent's admission to the Voorhees Christian Hostel and the Christian High School on false grounds. So it requires to be examined whether it is possible to expect that C. A. Joseph would have resorted to false statements to secure an advantage to the respondent whom he came to know for the first time.

R. W. 6 has been the Head Master of the Voorhees High School since 1939. Prior to him one C. A. Samuel was the Head Master. Samuel is the brother of C. A. Joseph. This witness states that Exhibit P-11 is signed by C. A. Joseph as the guardian of the pupil. He says that C. A. Joseph was in charge of the Hostel attached to the High School as its Manager. He says that C. A. Joseph was taking active part in the other activities of the School, *viz.*, scouting and religious activities. He is said to have been a powerful and influential man in the School also. This witness knows C. A. Joseph well as he was a student in the Voorhees High School from 1926 to 1937 when C. A. Joseph was a teacher there. This witness states that C. A. Joseph was a true Christian and rigidly professed Christianity. He further says that C. A. Joseph was a very respected person. He says that the Hostel was meant only for Christian boys and the inmates were paying fee for their lodging and boarding. He further says that according to the Rules and Regulations in force in 1949 the inmates of the Hostel were required to observe the Christian religious performances. He also deposes that C. A. Joseph was conducting prayers as Manager of the Hostel. He says that

when a Hindu is converted to Christianity he is given a Christian name along with the original Hindu name. Sometimes, he says, the name will be entirely a Christian name. A doubt is sought to be cast on Exhibit P-11 suggesting that the same is not in conformity with the Rules of the Education Department. It is elicited in the evidence of R. W. 6 that there is no record of any declaration made by the parent in connection with Exhibit P-11 and the witness states that if some body else is the guardian, it is a rule that a declaration from the parent should be got. He produced Exhibit R-19 as a specimen form of such declaration. The witness refers to Rule 33 of the Madras Education Rules which he says was in force in the year 1949. In the cross-examination of this witness he states that under Rule 33 of the Madras Education Rules, the parents should give the date of birth, and the name of the previous school attended and in Exhibit R-19 there is no provision for this. He is the witness who has produced Exhibits P-11 and P-12 before court at the instance of the respondent. This witness does not know what form was in vogue or what rules were followed by the Voorhees High School in 1949. Therefore, it cannot be said that the application for admission made by the Manager of the Christian Hostel was not in conformity with the Madras Education Rules. In any event whether it was in conformity with the rules or not, there is no doubt that the application form is produced by R W. 6 and he admits that Exhibit P 11 is in the hand-writing of late C. A. Joseph. These circumstances indicate that the information regarding religion, caste and the occupation of the parent must have been furnished by C. A. Joseph quite independently of Exhibit R-17. There is no evidence to indicate that Devasahayam who took the respondent to C. A. Joseph was possessed of this information or that he gave the information to C. A. Joseph. The only inference possible is that this information should have been furnished to C. A. Joseph by the respondent himself. The same comments apply to the entries made in Exhibit P-12 as it is most probable that the entries are made in the Register of Admissions on the basis of Exhibit P-11 and the Transfer Certificate.

Exhibit P-12(b) sets out the religion of the respondent as Indian Christian. His residence is mentioned as Christian Hostel.

The name of the parent is given as Sahadevan and the name of the guardian as C. A. Joseph, obviously because he was the Manager of the Christian Hostel in which the respondent was an inmate. The only inference that can be drawn from these circumstances is that the respondent made the representations to C. A. Joseph and the entries in Exhibits P-10, P-11 and P-12 are based on such representations.

Next, the learned counsel for the petitioner refers to the documents pertaining to the employment of the respondent in the Mysore Mines. It is undisputed that after his return to K. G. F. from Lalapet in 1950 the respondent was unemployed for sometime. He got into employment in the year 1951 under a contractor by name Govindan. The Service Card relating to that employment is Exhibit P-4. It may be mentioned here that even-though a person was employed by a contractor of the Mines, the authorities of the Mines maintained a Service Card pertaining to the employee. R. W. 10 Sadhu Sundaramani was himself a Contractor from 1947 to 1953 executing underground mining work for the Company. He states that the contractors employ the labourers and the payment to the labourers is made by the Company on behalf of the contractors. He states that the Service Cards of the labourers working under the contractors are also maintained by the Mining authorities, In his cross-examination he states that the particulars in the Service Card are entered in the way in which the particulars are given by the employee and such particulars are entered by the Registration Clerk who is in charge of the Underground Department. With reference to the entries relating to his caste in the service records what the respondent states in paragraph 9 is:

> "When he decided to contest the election in the year 1961 he found *somehow* that his religion had been stated in the K. G. F. Mining Records that he was an Adi Dravida Christian".

This is inaccurate because what is mentioned in Exhibit P-4 at the time of his joining the service of the Mines is that he is an Indian Christian. It is significant that he does not say definitely how he came to know about the entry in service records. P. W. 7 Chief Engineer of the Central Workshop and Estate, K. G. F., speaks to this document. Exhibit P-5 which is a subsequent Service Card, also contained originally the caste of the respondent as Indian Christian. In the service particulars of the respondent as evidenced by Exhibit P-6, the religion of the respondent is mentioned as Indian Charistian. In the Service Card Ext. P-4 in addition to the other particulars including the caste, indentification marks are also mentioned. The entry in regard to these particulars probabalises the contention of the petitioner that it is the respondent who gave the information to the clerk who made the entries. It is pointed out that in the service card the caste of the respondent is mentioned as Indian Christian and there is no reference to his being an Adi Dravida. This discrepancy is not of much consequence. On the application Exhibit P-7 made by the respondent, the Superintendent of the Mysore Mines directed that the change of the caste as required by the respondent may be made. The reason for the change as mentioned in Exhibit P-8 is that the management's relations with the employees is not based upon religion and the entry in the service record is absolutely based upon what they state their religion to be. This document also indicates that the entries in the Service Card is based upon what the employees state. Sri V. K Govindarajulu points out that the respondent made the application Exhibit R-7 to get the religion changed in the service records, because he had to remove the obstacle that would come in his way of standing as a candidate for Election for the seat reserved for the Scheduled Castes, if the entry in regard to his caste continued to be Indian Christian. The circumstances under which and the time when he made the application have already been referred to earlier. This argument of the learned counsel for the petitioner cannot be said to be without force. I may at this stage refer to the evidence of P. W. 10, S. A. Thomas who is the son of Govindan under

whom the respondent got employed in the year 1951. A reference is found to this Contractor Govindan in the service record Exhibit P-4. P. W. 10 states that he knows the respondent from his infancy. They were school-mates in the K. G. F. High School at Robertsonpet. He says that the respondent approached his father Govindan for employment and that his father employed him. This witness states that the respondent was at that time a Christian and was attending the Church at Andersonpet and Maskam Church. This witness states that they have relations amongst Christians and Adi Dravida Hindus. At this point it would be relevant to note what the respondent has to say with regard to the service card and other circumstances referred to above. The respondent admits that after he came back to K. G. F. in 1950 he was in search of some job and he remained unemployed for some time. On the recommendation of one Dutt, who was then the Labour Officer in the Mines, he secured a job under the Contractor Govindan. He worked for 5 or 6 months. The respondent admits that Exhibit P-4 is the Service Card relating to him. Regarding the particulars filled, in it, the respondent's statement is that the Service Card was not filled in his presence. No Registration Clerk of the Mines ascertained the particulars from him when he entered them in Exhibit 4. He admits that Exhibit P-4 (a) bears his thumb impression and his signature and it is dated 19th November 1951 *i.e.*, a few days prior to his employment. He denies having delivered the declaration as per Exhibit P-4 (a) to the Mines. He states that when the declaration under Exhibit P-4 (a) was taken, the service card Exhibit P-4 was not shown to him and that he was not aware of it. He denies that Exhibits P-5 and P-6 were filled up in his presence. He admits that from 1953 to 1965 he was a member of the Communist Party and in August 1961 the Communist Party decided to put him as its candidate for Elections to the Mysore Legislative Assembly during the 1962 Elections. The application for change of religion from Indian Christian to Adi Dravida Hindu in the service record under Exhibit P-7 he says is on 8th September 1961. His version is that he had to get a clearance certificate from the

authorities of the Mines to enable him to declare that he was not a Government Servant and that no dis-qualification should attach to him to stand as a candidate. In his cross-examination it is elicited that he submitted his resignation on 8th September 1961. His version is that a we k after his name was proposed as a Communist Candidate in August 1961, the Party wanted that he should contest for the Parliamentary Constituency and not to the Mysore Legislative Assembly and as he was not prepared to accept the proposed change he withdrew his resignation letter to the Mining Authorities. He further states that later the Communist party renewed the old proposal and he agreed to stand for the Elections to the Mysore Legislative Assembly and therefore he submitted his resignation on 15th December 1961 which was accepted by the Mining Authorities with effect from 19th January 1961. There is nothing to indicate that the respondent submi ted his resigna ion on 8th September 1961 and withdrew it. From Exhibit P-5 it is found that the respondent resigned only in December 1961. There is nothing to indicate as to when he asked for the clearance certificate. It could only be in December 1961 that he asked for it. Therefore, when he submitted Exhibit P-7 for change of his religion in the service record, it cannot be that he applied for the clearance certificate at that time. In any event, it is not possible to accept the respondent's version that he did not know anything about the entries in Exhibit P-4 until September 1961. As I have mentioned already, the particulars in Exhibit P-4 are such that nobody else than the respondent could furnish them. The evidence of R. W. 10 supports this conclusion. As I have already set out in the earlier part of this order, the respondent was a very active Trade Union Member even from his High School days. He was fully conscious of his rights when the particulars in the service card Exhibit P-4 were entered. He was 20 years of age at that time. Even the plea that he put forward with reference to Exhibits P-10, P-11 and P-12 that he was a minor will not avail him in so far as Exhibit P-4 is concerned. So, it must be taken that he was aware of the fact that his caste was mentioned as an Indian Christian in

the year 1951 when he joined the service under contractor Govindan and he kept quiet till September 1961. The explanation given by him for his keeping quiet during this period of nearly 10 years is not satisfactory and cannot be accepted. When asked about the identification marks in Exhibit P-4, he says that he unable to say whether they are correct.

He pleads ignorance of the maintenance of the service card Exhibit P-1. He however admits in his evidence that it is only about the year 1954 that he came to know that such cards are being maintained and the reason given by him for this is that he was taking an active part in the Trade Union Movement. At any rate, from 1954 to 1961 he did not take any steps to get the entry relating to his religion rectified. He states that there would have been no occasion for him to get Exhibits P-4 and P-5 corrected unless it be that he was standing as a candidate for Elections in 1962. It is exactly the contention of the petitioner. However, the respondent adds that even if he had come to know about the discrepancy regarding his caste earlier, he would have applied for correction. He admits that he came to know about the maintenance of the service cards in 1954 but he did not know the particulars entered in his Service Card because he had no occasion to doubt the entries in the record. He also states that between the period June 1949 to 1960 there are documents in which he is described as Hindu by religion and that he has not filed any such documents in this case. Sri V. Krishna Moorthy suggested that the person who made the entries in Exhibit P-4 should have been examined. This suggestion is of no force as the respondent has at no time repudiated that Exhibit P-4 is his Service Card. What is more he applies for correction of Exhibits P-4 and P-5 as per Exhibit P-7 dated 8th September 1961. Hence there can be no doubt at the time he joined the service as per Exhibit P-4 he professed the Christian religion. This can be traced to his baptism prior to his joining the Voorhees Christian Hostel, as can be inferred from Exhibits P-10, P-11 and P-12 and the oral evidence in regard to them to which I have already referred.

The next set of documents referred to by the petitioner's counsel relate to the participation of the respondent in the activities of the Association called "Kavinjar Nataka Sabha". Exhibit P-1 is a certificate of merit dated 8th December 1962 granted to P.W. 2 one P. M. Ganeshan for his authorship in respect of his two dramas styled 'Shirpi" and "Vazhvu". P. W. 2 in his evidence states that he knows the respondent since 1947 when he was studying in the K. G. F. School. He is also aware of the respondent's arrest and detention in the year 1948 and also of the fact of the respondent working as a Tramming Assistant under the contractor Govindan. The evidence of this witness indicates that the respondent was an organizer of the Kavinjar Nataka Sabha and at that time he was called Victor Rajagopal. This witness states that when his drama "Vazhvu" was to be enacted by the Nataka Sabha he asked P. W. 10 as to who was taking the part of 'Masilamani' the principal part in that drama and he was then introduced to the respondent as Victor Rajagopal who was to take the role. The curiosity of the witness was roused and he asked the respondent as to how it is that he is called Victor Rajagopal and then the respondent is said to have answered that he became a Christian. Quite apart from this admission of the respondent that he was a Christian during his interview what is pointed out as being of importance is the name of the respondent found as Victor Rajagopal as the Organizer of the Kavinjar Nataka Sabha in Exhibit P-1, it being the same as the one found in Exhibit P-10. In Exhibit P-1 the names of the President, the Secretary and Organizer are printed. The President is one Aron, the Secretary is N. D. Dwarakanath who has been examined as P. W. 4. The Organizer's name is printed as Victor Rajagopal, the Organizer being the respondent. It is borne out by the evidence of R. W. 6 and R. W. 9 that when a non-Christian is converted to Christianity, he is given a Christian name. It may be in addition to the original name or it may be an entirely Christian name. One M. Subrahmaniam who is a relation of R W. 9 after his coversion became known as John Subramaniam, according to R. W. 9. It is suggested that in the same manner the respondent also

became a Christian convert and his name was changed to S. Victor Rajagopal. Exhibit P-2 is a certificate of merit granted by the Southend Sports Club, Mysore Mines and dated 12th April 1954 to P. W. 2. The Secretary of the said Sports Club is one Perumal; P.W. 3. He states that he received Exhibit P-3 from a Nataka Sabha called Kavinjar Nataka Sabha and this is dated 29th September 1952. This is a letter requesting the Sports Club to put up the enclosed notice on their Notice Board and to arrange for entries for the various competitions arranged by the Kavinjar Nataka Sabha. Exhbit P 3 is signed by one Thomas P. W. 10 as Joint-Secretary of the Nataka Sabha. Exhibit P-3 conatins the names of the President, the Secretary, the Organizer and the Directors printed on it. This witness states that the name 'S. Victor Rajagopal' appearing as the Organizer of the Nataka Sabha in Exhibit P-3 is no other than the respondent whom he knows since 1950. P. W. 3 states that the respondent is a Christian. As Secretary of the Southend Sports Club he knew the respondent.

Further, it is gathered that P. W. 3 and the respondent were working in the same Section in the Mines under a common Officer and that he is know to him as Victor Rajagopal. This witness further states that the respondent does not visit temples nor does he celebrate the Hindu Festivals. The respondent, the witness states, decorates his house on the 24th and 25th of December and a Star is lit in front of the house. Quite apart from the oral evidence of this witness, what is significant is the description of the Organizer of the 'Kavinjar Nataka Sabha' as Victor Rajagopal. P. W. 10 who was the Joint-Secretary of the 'Kavinjar Nataka Sabha' says that he has written Exhibit P-3 in a letter-head of their Nataka Sabha' The respondent, he says, was the Organizer and the dramas that they enacted were written by P. W. 4. He also speaks off the certificate-Exhibit P-1 having been granted to P. W. 2 along with some money. He stated that Victor Rajagopal mentioned in Exhibit P-1 and Exhibit P-3 is the respondent. He also states that Exhibits P-1 and P-3 were got

printed by the respondent. He deposes that Exhibt P-3 was sent to the Secretary of the Southend Sports Club, *i.e.* P. W. 3. This witness corroborates what P W. 2 has stated *viz.*, that when there was a discussion regarding the the rehearsbal of the drama Vazhvu, the author of the drama *i.e* P. W. 2 asked as to who was taking the part of Masilamani in that drama and he was told that the respondent was taking the part of Masilamani. The respondent was introduced to P. W. 2 as Victor Rajagopal When asked by P. W. 2 as to how he came to be named as Victor Rajagopal, the respondent stated that he had become a Christian at Ponnai Anicut and therefore his name was Victor Rajagopal. This witness states that Exhibits P-1 and P-3 were got printed at Robertsonpet in Suraj Press. R. W. 14 C. M. Swamy, who was a Director of the Kavinjar Nataka Sabha says that in 1951 they enacted the drama Vazhvu and that Ganeshan P. W. 2 is the author of the drama and he used to be present at the time when practice was being imparted to the artists He denies that the respondent is know by any other name excepting S. Rajagopal. It is suggested that this witness is also known as Muniswamy and it is clear from his evidence that he has not given his address to the respondent at any time. It is also elicited that he is not allotted any quarters by the Mines but all the same he says he is residing in one of the quarters. It is unnecessary to hold that this witness is not one who has been cited in the witness list but it is admitted that he is a salaried servent of R. W. 10. What is more significant is that this person professes ignorance of R. W. 10 having been examined in this case. He says he was in court when R. W. 10 was examined and yet the professes ignorance of R. W. 10 having been examined in this case. The evidence of this witness is totally unworthy of belief.

The next witness whose evidence is relevent in this connection is P. W. 4. P. W. 4 was the Secretary of the Kavinjar Nataka Sabha. As Secretary of the Nataka Sabha he is acquainted with the activities of the same. He is the person who was maintaining the minutes of the

Meetings and all the accounts of the Nataka Sabha, He states that one S. A. Thomas (P. W. 10) was the Joint-Secretary and the respondent was the only Organizer. He says that Exhibit P-1 is the certificate signed by the President and himself and it was granted to P. W. 2 in connection with his authorship of the dramas 'Thirpi' and 'Vazhvu' He speaks to the effect that Exhibits P-1 and P-3 were got printed by the Joint-Secretary and the Organizer, *viz.*, P. W. 10 and the respondent and that the name S. Victor Rajagopal found in Exhibits P-1 and P-3 refers to the respondent. His evidence also has a bearing on the conduct of the respondent in the year 1957 when P.W 4 and he went to Madras and other places in connection with a Foot-Ball Tournament. This witness states that the respondent accompanies him to Madura Meenakshi Temple and Srirangam Ranganathaswamy Temple but the respondent did not get into the temple for the reason that he was a Christian. It is gathered from the evidence of this witness that the respondent was an Indian Christian. He denies the suggestion that he is inimically disposed towards the respondent because he resigned the Communist Party and joined the Congress Party. P. W. 4 is a member of the Mysore Mines Workers' Union. He is not a Member of the Communist Party. He also says that it was the respondent who gave orders for printing Exhibits P-1 and P-3. Sri V. Krishna Moorthy, the learned counsel for the respondent, pointed out that in his cross-examination this witness states that he does not know where Exhibits P-1 and P 3 were printed, while at another place he stated that the printer is at K. G. F. implying thereby that he knows where it was printed. It cannot be said that these two statements are contradictory. At any rate this by itself would not be enough to discredit the evidence of this witness. P. W. 10 corroborates the evidence of P W. 2 and also that of P. W. 4 hat the name Victor Rajagopal as Organizer of the Nataka Sabha is that of the respondent. This witness like P. W. 4 also states that the respondent is a Christian. He states that the respondent stated before him and P. W. 2 that he had become converted to Christianity at Ponnai Anicut and his

name since then is Victor Rajagopal. It is pointed out by the respondent's counsel that the evidence of this witness cannot be believed as the printer of Exhibit P-1 and P-3, *viz.*, the Proprietor of Suraj Press has not been examined. It must at this stage be stated that the Proprietor of Suraj Press is one Pannalal who has proposed the respondent as a candidate for the Elections as seen in Exhibit R-39 the nomination paper filed by the respondent. It is pointed out that while this witness says that there are documents bearing the signatures of the respondent as Victor Rajagopal, no evidence to substantiate his statement has been produced. Further, the disposition of this witness is against the respondent is reflected in Exhibit R-2 dated 1st April 1960. P. W. 10 admits that he has published a leaflet as per Exhibit R-2. Exhibit R-2 (*a*) is its English translation. He refers to the respondent in connection with the rival Old Boys' Association of Chellappa's School of which the respondent was the Secretary. It is also gathered from Exhibit R-2 that the respondent was the Secretary of the earlier Association called "Chellappa's Old Boys' Students' Association". The action of the respondent in being the Secretary of the new Association is characterized by this witness as a treacherous act. It is also pointed out that there are some encomiums paid to the petitioner who was then a Member of the Legislative Assembly. There are caustic comments in Exhibit R-2 against one James Paul, the Head Master of Chellappa's School. It must be remembered that this document is dated 1st April 1960 and how far the animus against the respondent has influenced this witness to depose against the respondent can be judged by the reliability or otherwise of the evidence of P. Ws. 2 and 4 and the documentary evidence Exhibits P-1 and P-2 spoken to by them. P. Ws. 10 and 14 state that the President of the Kavinjar Nataka Sabha was one Aron who is said to be the uncle of the respondent. The evidence in this regard is challenged as unreliable. I think it is unnecessary to consider whether Aron a Christian was the uncle of the respondent or not in view of the over-whelming evidence in this case that quite apart from Aron, a large number of respondent's relations are amongst Christian converts.

With regard to the evidence adverted to above, relating to the association of the respondent with the Nataka Sabha, what is pleaded in paragraph 13 of the written statement requires to be noted. The respondent states that he was included as one of the many organizers of the 'Kavinjar Nataka Sabha', K. G. F.; that he was too young and did not take any active or important part in that Nataka Sabha and it is not known why the real organizers introduced "Victor" in describing him and as it was not of great importance it did not demand serious notice. In his examination-in-chief, the respondent states that he was a member of the 'Kavinjar Nataka Sabha' and was taking part in the dramas enacted by the Sabha. He also adds that he was an organizer and in his capacity as organizer he was inviting parties to enact dramas under the auspices of the Sabha. He states that the description of the organizer as S. Victor Rajagopal is not correct. He states that he has never given the said description and he was not known as Victor Rajagopal at any time any where. He also denies that he was responsible for getting the matter in Exhibits P-1 and P-3 printed. But in Exhibit P-1 he is unable to recognise the signature of the President or that of P.W. 4. He further states as follows:

> "I am not aware if the Kavinjar Nataka Sabha referred to in Exhibits P-1 and P 3 is the same Kavinjar Nataka Sabha of which I was organizer".

There is absolutely no suggestion that there is any other 'Kavinjar Nataka Sabha' other than the one referred to in Exhibits P-1 and P-3. The respondent admits that when he was an organizer, he was the only organizer and that his name is printed as Victor Rajagopal in Exhibits P-1 and P-3. He states that it is only when Exhibits P-1 and P-3 were marked in the case that he came to know that the name of the Organizer is printed as Victor Rajagopal. This statement is totally inconsistent with what he has stated in his written statement to which reference has already been made. He knew about his name being mentioned as Victor Rajagopal in connection with

his activities of the Nataka Sabha. No reason is disclosed by him as to why the organizers should have introduced the word 'Victor" behind his name Rajagopal in the documents above mentioned It was commented by the learned counsel for the respondent that in Exhibit P-4 his name is mentioned as S. Rajagopal : So it is in Exhibit P-12 and there being no direct proof of his conversion into Christianity and was given a Christian name, the mere mention of his name as Victor Rajagopal in Exhibits P-1 and P 3 does not advance the case of the petitioner any further. As there is no consistency in the mention of his name in the several documents mentioned above it is submitted that much value cannot be attached to the description of his name in these documents. The circumstances narrated above indicate that the respondent was aware of the fact that he was being described as Victor Rajagopal and he actively associated himself with the Sabha which recognized him as such. It was further argued that neither Exhibit P-1 nor P 3 is authenticated by the respondent nor is there any evidence to show his connection with the printing of the same. It was further contended that the description Victor Rajagopal has no connection with his religion. It is common knowledge that the word 'Victor' is a Christian name. The evidence of the several witnesses indicates that though Exhibits P-1 and P-3 are not authenticated by the respondent, he was always aware of the said description. The evidence of the respondent pleading ignorance of the description of his name as S. Victor Rajagopal is not worthy of belief for the reasons already set forth.

The petitioner's counsel next adverted to the oral evidence which bears on the question of baptism of the respondent as a Christian and his professing, Christianity. The petitioner's counsel referred to the evidence of P. W. 1 Singaram Dorairaj to which I have already referred while dealing with Exhibit P 10 and the stay of the respondent in the Voorhees Christian Hostel. The respondent deposes that he does not know if P. W 1 is the Presbyter in the Church at Chittor. He says that he did not know P. W. 1

till the witness gave the deposition in court, in this case. He does not remember to have seen the name of P. W. 1 in the list of witnesses filed by the petitioner. It is impossible to accept this statement. As mentioned already, P. W. 1 has deposed that the respondent was in June 1949 his hostelmate in the Voorhees Christian Hostel and that the said hostel is meant exclusively for Christians. The routine observation in the hostel includes common worship and it was conducted by the Manager C. A. Joseph. This witness says that the respondent was participating in all the above said activities. This witness further deposes that the Manager was assisted by P. W. 9. No reason is shown as to why this witness is deposing falsely with regard to the conduct of the respondent in the Voorhees Hostel and that he was being referred to as Victor Rajagopal. The next witness to whom reference may be made is P. W. 6. The evidence of this witness is very important as great reliance is placed on his deposition by the petitioner. He is a Christian by religion. He became a Christian at Ponnai Anicut. It is stated that at Ponnai Anicut usually in March of every year there is a Christian Harvest festival when Hindus are converted to Christianity. A number of Presbyters congregate at Ponnai Anicut for the Festival and a large number of conversions take place. This witness states that he went to Ponnai Anicut with the respondent for three years. He deposes:

> "It is the first respondent who told me that he had been converted".....

Some circumstances have been pointed out by the petitioner's counsel to indicate that this witness and the respondent must have been on very intimate terms and the evidence of this witness should be accepted as reliable. This witness speaks to the stay of the respondent in his paternal aunt Perivakoandai's house at Basoor. He also refers to the proposal that the respondent may marry Perivakoandai's daughter Pushparani. Though the respondent denies that there was any proposal for any such marriage, R. W. 15 the respondent's father corroborates

the evidence of P. W. 6 in this regard. P. W. 6 is also corrobarated by the respondent's father-R. W. 15-with regard to the witness having been deputed by M. Subrahmaniam to convey the information of the demise of his brother Thangaraj to the respondent's parents at Lalapet and to other relations at Bangalore. Another circumstance as showing the intimacy of P. W. 6 with the respondent is with reference to the reason for his being sent out of Voorhees High School and the Hostel. The respondent in his evidence states that C. A. Joseph sent him out of the Christian Hostel all of a sudden, without giving any reason whatever. He then went to Davasahayam who had introduced him to C A. Joseph and complained to him. He was told by Devasahayam that the reason for his being sent out was that he was a Communist. P. W. 6 in his evidence states that the respondent was sent away from Vellore after about three months as he was a Communist. There is no source of information to P. W. 6 other than the respondent himself. P. W. 6 says that the respondent is known as Victor Rajagopal and he offered prayers to Jesus Christ and his knowledge is only based on the admission of the respondent himself. This witness further states that even after he returned to K G. F. the respondent was attending the prayers in a church at K.G.F. Even at Ponnai Anicut where the witness and the respondent had been, the respondent offered prayers to Jesus Christ. Sri V. Krishna Moorthy submitted that the evidence of P. W. 6 cannot be taken into account in view of Section 91 of the Indian Evidence Act. I have already dealt with this contention earlier. It is submitted that the date of conversion is not given and the name of the person who converted the witness is not given. Further, the particulars relating to conversion have not been set out in the Election petition, as required under Section 83 of the R. P. Act. It is pointed out that in paragraph 7 of the petition a bold statement is made that in the beginning of 1949 the respondent became converted to Christianity thereby abandoning his original religion and thereafter professed the Christian religion. It is said that this is a positive assertion that he became a convert in the

year 1949: if this paragraph is taken with the verification of the petitioner, wherein he declares that what is stated in paragraphs 1 to 7 and 13 to 15 are true to his knowledge, it follows that the petitioner is aware of the conversion; the petitioner has not adduced any evidence with regard to his personal knowledge and therefore the affirmation is based by him carelessly and recklessly. It is therefore contended that there is variation between the pleading and proof and hence the evidence of this witness should not be looked into. Further, it is mentioned that there is no reference to conversion at Ponnai Anicut in the petition and therefore no proof in regard to such baptism can be permitted. The petitioner's counsel submits that paragraphs 7 and 8 must be read together. In paragraph 8 it is stated that in 1949 the respondent left K.G.F. to North Arcot when he embraced Christianity and got his name changed to S. Victor Rajagopal. With reference to the declaration made by him that what is stated in para 8 is true to the best of his information and belief, it is stated that the petitioner cannot be pinned down to his personel knowledge in regard to the allegations made in para 7 which are more or less the same as in paragraph 8. The further attack against the evidence of this witness is that he does not definitely say when the respondent imported information to this witness. The evidence of this witness should be taken along with that of P.W. 9 and has already mentioned, P.W. 9 has deposed that he saw the baptismal certificate issued by a Vedanayakam of Yebamur Church and that Ponnai Anicut lies within the jurisdiction of Yebamur Church. Taking the evidence of P. W. 6 and 9 together the version given by P.W. 6 cannot be thrown out as unreliable.

It is next contended by the respondent's counsel that according to this witness the motive of the respondent for conversion to Christianity was that he wanted to become a teacher. From this it is inferred that even if the conversion is true it is not out of any belief in religion but only to attain a secular object *viz.*, to get the post of a teacher. It is pointed out that the witness does not mention about

the respondent's admission in his examination-in-Chief but it is only averred in cross-examination. As long as the evidence of this witness cannot be discredited as unreliable and if this answer is elicited by the respondent during the course of cross examination of P.W. 6 it can't lose its value The next witness whose oral evidence is adverted to is that of P W. 9 Rajamanikyam who speaks about baptismal certificate and the conduct of the respondent while he was in the Voorhees Christian Hostel. I have already referred to this while considering Exhibit P-10. This witness is qualified to speak about the procedure in regard to conversion. The reasons given by the respondent to impeach the credibility of this witness is that he speaks about what happened in the year 1949 and in particular of the statement of the respondent that his conversion was at Ponnai Anicut. The other attack against this witness is that there was no occasion for him to ask either for the baptismal certificate or any other certificate from the respondent, because C. A. Joseph the Manager had already ascertained the particulars and therefore the evidence of this witness is partisan and unreliable. The suggestion that P W. 9 sought the help of the respondent in connection with his application for the appointment as the Head Master of the K. G. F. Anglo Indian High School cannot be a sound reason for discarding the evidence of this witness. Sri Krishna Moorty submitted that the baptismal Register being the original and on the basis of the entry in it the baptismal certificate must have been issued by Vedanayakam, it would be at best on extract from the original baptismal Register, and when the Baptismal Register, is not summoned the evidence of this witness cannot be accepted. The further attack is that there is no reference to this admission by the respondent to this witness in the Election Petition. What is required under Section 83(1)(a) of the R P. Act is that the Election Petition shall contain a concise statement of the material facts on which the petitioner relies. It is contended that what is put in evidence is only evidence of the conduct of the respondent and no definite plea in regard to respondent's admission is taken in the Election Petition. In this connection reliance is placed on the decision reported in A.I.R. 1964

S. C. page 1269 (M/s. Raichand vs. Union of India). It appears to me that the circumstances in this case do not apply to the application of the aforesaid decision As contended by the petitioner's counsel, the allegations in paragraphs 7 and 8 of the Election Petition give a concise statement of the material facts. The question of admission of the respondent is also implied in the allegations made in the Election Petition where there is a reference to the activities of the respondent, which are borne out by the documentary evidence placed on record. Therefore, it would not be correct to contend that what is set up is an actual case of conversion. What could be understood from the Election Petition is that the respondent was converted into Chrisianity and that his subsequent conduct leads to an admission on his part in support of the case conversion. P.W. 9 states that baptismal certificate he saw did not bear the seal of the Church. It is contended that such a certificate without the seal of the Church is of no value. But, according to P.W. 9 it is not obligatory that the baptismal certificate should contain the seal of the Church.

From the evidence of R.W. 6, who is also acquainted with the administration of the Voorhee's Christian Hostel and also the ceremonies of baptism, it is clear that the certificates of baptism and marriage issued by the Church bear the seal of the Church. With respect to the Churches of which he is the Secretary, he says that those Churches have printed forms of the certificates. What is significant from his evidence is that he does not know the form in which the Churches issue the baptism or the marriage certificates. He is not aware of what happens at Ponnai Anicut Festival because he has not attended the same. He further admits that the Ponnai Anicut Festival is a Christan Festival. With regard to the age of baptism he also says he is unaware if any particular age limit is prescribed for baptism under any rule. Further, he states that even in practice he is not aware of any age limit being observed for baptism. The evidence of this witness does not in any manner render the evidence of P.W. 9 unbelievable. The oral evidence of P. Ws. 2, 6, 9 and 10 refer to

the admission of the respondent regarding conversion. P.W. 3 speaks to the conduct of the respondent that he does not visit temples and that he observes Christian Festivals. P.Ws. 5, 6, 10, 11 and 12 speak about the respondent's going to Church for offering prayers. I have already referred to the evidentiary value to be attached to the statemnts of P.Ws. 6, 9 and 10. It is pointed out that P.W. 5 only speaks of the respondent going to Church but he does not know the year when he went to Church. It is also found from the evidence of this witness that neither the parents nor the wife of the respondent attend the Church nor do the children do so. He does not know if the children of the respondent are baptised. He is also unaware of the baptism of the respondent. Therefore the evidence of this witness at best indicates that he was professing the Christian religion prior to the year 1960. According to Sri Krishna Moorthy the professions of the religion by the respondent must at the relevant time *i e* at the time of scrutiny. I shall deal with this aspect a little later.

It is also commented by the respondent's learned counsel that no Presbyter or Elder of any Church which the respondent is alleged to have attended has been examined and that on the other hand there is evidence of R.W. 9 to the effect that the respondent was not attending the Church at Maskam of which R.W. 9 is the Presbyter. It is submitted that if the respondent was an ardent Christian his name would have been found in the Register pertaining to the congregation of the Church. R.W. 9 clearly states that his name is not found in the said Register. This witness further states that in a Church the following regiters are maintained : (1) baptismal Register, (2) Congregational Register, (3) Confirmation Register, (4) Marriage Register and (5) Burial Register. He also states that there is a seal to authenticate any document issued by the Church. In the Church where he is working all these Registers are maintained. This witness sewears that the respondent is not a Christian and that he had no Christian name and that he is not a member of the

congregation of his Church. In his cross-examination the witness admits that the names in Exhibits R-25 and R 6 are of those who are member of the Church and who pay subcriptions. The amount of subscription that the member pays depends upon his capacity. He definitely states that theRegisters are not Attendence Registers pertaining to the Maskam Church. He also admits that there is no Register in which a note is made as to who is present or who is absent in the Church for prayer. Therefore the non-mention of the name of the respondent in the Registers referred to by R. W. 9 does not help the respondent. Regarding the seals, his knowledge is confined to maintence of seals in Churches, mostly in K. G. F. He is not aware of the practice followed in the Courches other than those mentioned by him. He is unable to point out the particular rule which requires a seal to be maintained in every church. He admits that he is a relation of one Subramaniam and he states that R. W. 15 the father of the respondent is Subramaniam's uncle. The value which could be attached to the evidence of this witness gets itself reduced on account of the fact that from 1st October 1966 he is not the presbyter of Maskam church, because he is under suspension on account of an accusation by the Bishop of Bangalore that he has not rendered proper accounts of the amounts collected by him at the Maskam Church The Bishop of Bangalore has directed him not to work and to hand over the books of the Church to the Area Chairman, but he has refused to do so. What is curious in his evidence is that when he was questioned as to why he verified whether the name of the respondent was found in Exhibits R-25 and R-26, he says that he verified because of a town talk. He also says that he came to know from the newspapers that there was an allegation in the Election petition that the respondent was a Christian and about 10 days ago he met the respondent and the respondent asked him to verify if his name was found in Exhibits R-25 and R-26. If the respondent was not a Christian and did not attend the congregation at any time, there will be no need to verify whether his name existed in the registers or not. However, the answer of this witness that he verified because of a town talk is

baseless. It is difficult to accept the evidence of such a witness and to act upon it.

The evidence of R. W. 10 is relied upon by the respondent to show that the respondent does not bear a Christian name and that he is not a Christian and does not attend any Church R W. 10 is a Christian and is an employee in the Mines since 1939. He was working under a contractor since 1939 and in 1917 he himself started working as a contractor till 1952 when, he was absorbed into the service of the Mines. With regard to the service Card, I have already referred to his evidence to the effect it is the Registration Clerk who is in charge of the Underground Department who gives the card and the clerk of the contractor furnishes particulars to be entered in the cards by the Registration Clerk. This evidence is opposed to that of the respondent that he did not furnish any particulars to any one. I have already discussed this aspect of the matter and taken the view that the particulars in Exhibit P-4 must have been filled up on the information furnished by the respondent. This witness produced two registers marked Exhibits R-33 and R-34 relating to monthly collections from the congregations at the church at Marikuppam. He says that there are no entries relating to the payment made by the respondent in the said register. He says that he has not seen the respondent worshipping any time in the Good shepherd Church at Marikuppam of which he is the Secretary since 1963. He speaks to the participation of the respondent in the Christian Conference held by the K.G.F. Christian Federation on the 7th and 8th of January 1967. This witness is the President of the Christian Federation. He produces the Proceedings Book of the K.G.F. Christian Federation. He says that on 4th December 1966 the respondent was a Congress Member. He was a Member of the Mysore Legislative Assembly having been elected in the 1962 elections as a Communist Candidate. The respondent appears to have been invited to address the Conference which the respondent did, the subject being 'Minority Rights'. In his talk at the Conference the respondent promised to support the cause of the Adi Dravida Christian

Converts to get the concessions that the Adi Dravida Hindus are now getting. This witness also admits that in the Education Institutions the Adi Dravida Christian converts do not get the concessions as Adi Dravida Hindus get. In the Conference a resolution appears to have been passed urging the Government to show the concessions to the Adi Dravida Christian converts in the same way as shown to Adi Dravida Hindus. The respondent promised support for the abovesaid resolution by making representations to the Ministers. By this conduct of the respondent, the petitioner's counsel wants to draw an inference that the respondent would not have promised support to the resolution passed at the Christian Conference but for the fact that he is himself an Adi Dravida Christian convert. It may not be possible to draw any such inference. It may be that as a politician the respondent felt that as long as the caste distinctions are present amongst Adi Dravida converts to Christianity, in spite of such conversion, their backwardness still continues and they should also have additional concessions which are shown to Adi Dravida Hindus. Though the attitude of the Adi Dravida Hindus would be to confine the concessions to the Adi Dravida Hindus only, *viz.*, the Scheduled Castes, *i. e.*, to those that continue as Hindus, the attitude of the respondent is against such disposition. But this need not necessarily lead to an inference that the respondent is a convert to Christianity from Hinduism. R. W. 10 states that he has gone to Ponnai Anicut Christian Harvest Festival twice or thrice, about 20 years ago; Christians gather there and pray for two days; it is a thanks-giving ceremony in connection with the harvest of crop; and conversion of Hindus into Christianity takes place at that time. In his evidence it is elicited that he worked for the respondent in the Elections and against the petitioner. The respondent got 20,000 model ballot papers printed in his press. He is interested in the respondent in this case because he helped the respondent in the elections. So, the evidence of this witness is interested and cannot be of any value to the respondent.

R. W. 11 is one S. Govindan who states that the respondent is known as S. Rajagopal and that he is an Adi Dravida Hindu by religion. He deposes that the respondent observes Hindu Festivals. He says that he has gone with the respondent to Kannabhiram Temple at K.G.F. His evidence in regard to the marriage of the respondent and the reception held in connection with it is discrepant. While R. W. 8 swears that he was present in the evening at the receiption, R. W. 11 states that he did not see him at all. He also states that he did not see V. M. Govindan or K. S. Vasan. This is particularly pointed out because from Exhibits R-24 and R-25 it is clear that the marriage of the respondent took place on the 25th of February 1955 when V. M. Govindan presided over the function and K. S. Vasan was the Chief Patron and R. W. 8 was to address the reception gathering. It must be noted that this witness is a neighbour of the respondent. He states that it is only on the 30th of July that he was told about this case. His examination was on 2nd August 1967. He further states that the respondent did not tell him about the matter on which he had to give evidence. The evidence of this witness is interested and does not inspire any confidence to accept it. Similarly no value can be attached to the evidence of R.W. 12. The evidence of this witness in connection with the marriage is discrepant. He says that he did not attend the marriage of the respondent but he only attended the reception at about 8 or 8-30 in the night in the marriage house. He says that he did not see R. W 8 or Govindan, the President of the Mysore Mines Workers' Union at the reception. According to him, K. S. Vasan was also not there. Obviously this witness could not have attended the marriage reception at all. R. W. 13 is the brother-in-law of the respondent. His evidence with regard to the visit of the bridegroom to the temple does not tally with that of R. W. 15 or that of R. W. 16, the respondent's father and the respondent respectively. That this witness is interested in the respondent is obvious. He speaks of the betrothal on the day prior to the marriage. No witness has spoken about it. The version this witness gives in regard to betrothal or the marriage invitation Exhibit R-24

which he produced into court, cannot also be accepted. The fact that the marriage was celebrated on the 25th of February 1955 is not disputed by the petitioner. What is contended is that the marriage took place in a form not usual in the Adi Dravida Community. It is pointed out that it is most unusual that anyone would preside over the reception or anybody would be the Chief patron or anyone would address at the reception. Exhibit P-25 the invitation for the marriage produced by the petitioner indicates that the marriage was to be celebrated in a reformed manner. The marriage is called as a reformatory marriage. Therefore it was not in the usual Hindu form is quite clear. Drawing my attention to the fact that the respondent's father R. W. 15 was against the marriage of his sister Periyakolandai's daughter Pushpa Rani with the respondent because she insisted that the marriage must be in the Christian form while R. W. 15 insisted that it should be in Hindu form, he submits it is probable that in the circumstances the respondent went through the marriage in a reformatory form. The explanation given by the respondent in regard to Exhibit P 25 *viz.*, that it was only a proof of Exhibit R-24 is not worthy of acceptance. It is possible that the respondent issued invitations in both the forms. Sri Krishna Moorthy the learned counsel for the respondent contended that whatever might be the discrepancies in regard to the details as to how the marriage was celebrated or as to how the invitations were issued, there can be no doubt that it was not a Christian marriage. This submission should be accepted. Therefore, there is no doubt that the marriage of the respondent was not celebrated in Christian form. But the marriage was not in the customary form either. This is indicative of the fact that the respondent was not particular to adhere to the customary Hindu Adi Dravida form of marriage.

There is no reliable evidence of the respondent having attended Hindu temples. I have already adverted to the evidence of R. Ws. 11, 12 and 13. Their version of the visits to Hindu temples on the occasion of his marriage is unworthy or credence. Similarly the evidence of R. W. 8

Rajamanikyam regarding the visit of the respondent to the Kapaleswara Temple at Madras. The evidence of R. W. 8 is that he took the respondent and his wife to Sri Kapaleswara Temple at Mylapore. In the cross examination of this witness it is elicited that he was a member of the Communist Party till 1963-64 and he is now in the Congress Party. He does not hide the fact that he is interested in the respondent being elected to the Mysore Legislative Assembly. In regard to the visit to Kapaleswara Temple he says the respondent did not know about Mylapore Kapaleswara Temple when he came to Madras with his wife for the first time after the marriage and that he did not suggest to the respondent that he should visit the temple. He further say that the respondent and his wife volunteered to visit the temple. It is not possible to accept this statement because if the respondent did not knew about the existence of the Temple it could not be that he volunteered to visit the Temple. The evidence of the respondent is that R. W. 8 did not speak to him about the Temple. Therefore, in these circumstances, it appears to me that the visit to the Kapaleswara Temple is a false version. Therefore there is no credible evidence in this case of the respondent having visited any Hindu Temples as contended by his counsel.

Sri Govindarajulu the learned counsel for the petitioner drew my attention to the evidence of R. W. 16 the respondent, in great detail with reference to Exbits P-1, P-3, P-4 P-5, P-6, P-10, P-11 and P-12 and pointed out that the evidence of the respondent is prevaricative, evasive and unworthy of belief. I have already briefly referred to this evidence while dealing with the aforesaid documents. But as the credibility of the respondent's evidence is challenged it would be necessary to examine the evidence of the respondent with regard to the criticisms levelled against him by the petitioner. It is submitted that he was arrested in 1948 on account of his Communist activities and he had been externed from the Mysore State, so that even when he was in the High School he was quite aware of his rights; that he was an active Communist and that he became an

avowed Communist in 1952. He says that he could not find any High School near Lalapet and that he was told that there was a High School at Vellore. In his cross examination he admits that there are High Schools at Ranipet and Arcot. Ranipet is just four miles from Lalapet and Arcot is five miles while Vellore is about 15 miles from Lalapet. In his cross-examination he states that he was not in a position to pay boarding and lodging charges and it is suggested that it is on account of that he thought of joining the Vellore Christian Hostel and Christian High School. He speaks of his grand father having taken him to one Devasahayam, who appears to having been requested by the respondent's grand father to make arrangements for the further studies of the respondent and that Devasahayam introduced him to C. A. Joseph. I have already referred to the attitude of the respondent with regard to Exhibits P-10, P-11 and P-12. The respondent admits that he confirmed to the discipline of the Voorhees Christian Hostel during his stay there. Sri Krishna Moorthy stressed that the alleged representations made at the time Exhibits P-10, P-11 and P-12 came into existence the respondent was a minor and therefore his statement cannot be taken as admission of any value. It must be noted that in law the admission of parties to the record are receivable in evidence either made before or after the party had arrived at full age and when an action is based against a minor the admissions and letters written while under-aged may be proved against the erstwhile minor.

The respondent states that he was the organizer of the 'Kavinjar Nataka Sabha' in 1951 when he was 20 years. He was taking part in the dramas enacted by 'Kavinjar Nataka Sabha'. As organizer he was inviting parties to stage dramas under the auspices of the Sabha. That being the fact, the plea in the written statement that he was too young and that he was not taking any important part in the Sabha cannot be accepted. It is only an attempt to avoid the effect of the mention of his name Victor Rajagopal in Exhibits P-1 and P-3 which was known to him. But, to discredit P.W.2's testimony the respondent states

that P.W.2 required some money in connection with his authorship of the drama which he enacted in 1950–51 and sought the respondent's assistance to recommend his case to the President and he refused to comply with the request. It must be noticed that no such suggestion was made to P.W. 2 and on the other hand there is evidence to show that P.W. 2 was paid some money and the certificate was granted. The motive attributed to P.W. 2 by the respondent appears to be baseless The respondent admits in his evidence that he has a few Christian relations; M. Subramaniyam, Periyakolandai, Marimuthu husband of Periyakolandai, Thangaraju and Babu are some of them. Therefore the atmosphere in which the respondent was placed was such that it was quite congenial to him to become a Christian. He says that he does not know how old his wife was at the time of his marriage nor does he know her present age. By the time he filed his written a statement he had in his hands Exhibit R–10, which is a transfer certificate relating to his wife and in that the date of birth of his wife is given. In any event his statement that he does not know the age of his wife on the date of his marriage or at present is to say the least untrue. He does not deny that P.W. 3 was the Secretary of the Sports Club. He also admits that Exhibit P–3 in the hand-writing of P. W. 10. He says he cannot recognise his signature. He admits that he took the part of Mesilamani in the drama Vazhvu enacted during the year 1950–51. He is unable to say if the signature in Exhibit P–1 above the word "President" is that of Aron. Similarly he is unable to say if the signature of the Secretary is that of P.W. 4 Dwarakanath. These statements are also evasive and indicate that he is disclined to come out with the truth. Further he says that it is only when Exhibits P–1 and P–3 were being marked in the case that he came to know that the name of the organizer is printed as Victor Rajagopal. He says that at the time of his filing the written statement he did not know that the name of the organizer was printed as Victor Rajagopal. A reference to the written statement belies this statement. I have already referred to this aspect of the matter earlier. When asked as to why no reason is

assigned by him as to how or why the Christian name Victor was introduced into Exhibits P-1 and P-3, he says that he does not know why the real organizers introduced "Victor" in describing him. It cannot be without any reason. The only reason must be what P. Ws. 2 and 3 have mentioned *viz.* that he professed Christianity and what is stated in exhibits P-10, P-12 and P 4 that he is an Indian Chirstian is true. The petitioner's counsel laid great emphasis on the fact that the reference to the caste and religion of the respondent in Exhibits P 10 P-11, and P-12 as also P-1 were all at the time when there was absolutely no controversy with regard to his religion. Similarly when his name was mentioned in Exhibits P 1 and P-3 as Victor Rajagopal there was no controversy. Therefore it is submitted by him that these documents are entitled to full value. From the evidence referred to above and my observations in respect of it the conclusion that should follow is that the respondent was converted to Christianity and after such conversion he ceases to be a member of the Schedule Caste (Adi Dravida). He also professed since 1949 the Christian religion. For this reason Sri Govindarajulu contends that the respondent is not qualified to stand for election to the Mysore Legislative Assembly as a candidate for the seat reserved for the Scheduled Castes from the K. G. F Constituency.

Sri Govindarajulu invites my attention to the decision reported in A. I. R. 1954 S. C. Page 210 (Jagannath V. Jaswant Singh), where it is observed that:

> "The general rule is well settled that the statutory requirements of election law must be strictly observed and that an election contest is not an action at law or a suit in equity but is a purely statutory proceeding unknown to the common law and that the court possesses no common law power. It is also well settled that it is a sound principle of natural justice that the success of a candidate who has won at an election should not be lightly interfered with and any petition seeking such interference must

strictly conform to the requirements of the law. None of these propositions however has any application if the special law itself confers authority on a Tribunal to proceed with a petition in accordance with certain procedure and when it does not state the consequences of non-compliance with certain procedural requirements laid down by it.

It is always to be borne in mind that though the election of a successful candidate is not to be lightly interfered with, one of the essentials of that law is also to safeguard the purity of the election process and also to see that people do not get elected by flagrant breaches of that law or by corrupt practices."

It is keeping these principles in mind that this case has to be considered. The contention of petitioner is that the respondent cannot be deemed to be a member of the Scheduled Castes, under paragraphs 2 and 3 of the Constitution (Scheduled Castes) Order, 1950, (hereinafter referred to as Scheduled Castes Order which read as follows.

"2. Subject to the provisions of this Order, the castes, races or tribes or parts of or groups within, castes or tribes, specified in (Parts I to XIII) of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Castes so far as regards members thereof resident in the localities specified in relation to them in those Parts of that Schedule."

"3. Notwithstanding anything contained in paragraph 2 no person who professes a religion different from the Hindu or Sikh religion shall be deemed to be a member of a Scheduled Caste."

The question that now arises for consideration is whether on the finding recorded above, the respondent can be deemed to be a member of the Scheduled Caste or not.

There can be no doubt that paragraphs 2 and 3 must be read together. Paragraph 3 is an exception provided in respect of paragraph 2. Persons who can come within the Scheduled Castes in paragraphs 2 and 3 of the Scheduled Castes Order must be Hindus. If there had been no conversion of the respondent to Christianity, then he would have come within the Group Adi Dravada in Part VIII of the Scheduled Castes Order. If once he goes out of the fold of Adi Dravidas by conversion, he ceases to be a Hindu If he ceases to be a Hindu, then paragraph 3 cannot be of any assistance to him though he may profess the Hindu or the Sikh religion. The Supreme Court has observed in A. I. R. 1965 S. C. page 1179 (Punjabrao v. D.P. Meshram) as follows:

> "What cl. (3) of the Constitution (Scheduled Castes) Order, 1950 contemplates is that for a person to be treated as one belonging to a Scheduled Caste within the meaning of that Order he must be one who professes either Hindu or Sikh religion"

It therefore follows that if a person wants to have the benefit of the Scheduled Castes Order, he must be a Hindu or a Sikh. In view of my finding that the respondent was converted to Christianity, he is not entitled to the benefit of paragraphs 2 and 3 of the Scheduled Castes Order. The alternative contention of the petitioner is that irrespective of whether the conversion of the respondent to Christianity is established or not, as he has professed Christianity, a religion different from the Hindu or the Sikh religion, he cannot be deemed to be a member of the Scheduled Caste This takes me to an interpretation of Paragraph 3 of the Scheduled Castes Order. In this connection Sri Govindaraju invites my attention to the decision of Rajamannar, C J., and Venkatarama Aiyar, J., of the Madras High Court in A. I. R. 1952 Mad. Page 474 (G. Michael v. S. Venkateswaran). In that case the petitioner who was originally a Paraiyan coming within Part V of the Scheduie to the Scheduled Castes Order, 1950 became a convert to Christianity. Desiring to stand as a candidate for a seat reserved for the Schedule Castes the

petitioner therein filed the application contending that Paragraph 3 of the Scheduled Castes Order is not valid and it is beyond the power conferred on the President by Art. 341 (1) of the Constitution. The Madras High Court held that the Scheduled Castes Order is valid and within the powers of the President and therefore dismissed the petition. While considering the contentions of the petitioner, their Lordships set out the back ground and the basis for the provisions relating to Scheduled Castes in our Constitution, and observe as hereunder:

> "The preamble to the Constitution contains the solemn resolution of the people of India to secure to all its citizens "justice, social, economic and political" as well as "equality of status and opportunity." Though the general rule is equality, equal protection of the laws and non-discrimination (*vide* Arts. 14 and 15 (1), the scheduled castes and tribes are placed in a comparatively favoured position. The new clause added to Art. 15 by the Constitution (First Amendment) Act 1951 says that nothing in Art. 15 or clause 2 of Art. 20 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes and the scheduled tribes."

A reference is also made by them to the special provisions made in Arts. 330 to 335, 340 (1) and 341 (1) of the Constitution. It is pointed out that besides these imperative provisions of the Constitution, there is Art. 46 in the Part embodying the directive principles of the State Policy which is in the following terms:

> "2. The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the scheduled castes and the scheduled tribes and shall protect them from social injustice and all forms of exploitation."

It is pointed out by their Lordships of the Madras High Court that:

> "This category of scheduled castes is not an original creation of the new Constitution. It is a part of the legacy from the British days. The Government of India Act, 1935, provided for reservation of seats for scheduled castes. Paragraph 26 of Schedule I of the Government of India Act, 1935 defined scheduled castes as:
>
> "such castes, races or tribes or parts of or groups within castes, races or tribes being castes, races tribes, parts or groups which appear to his Majesty in Council to correspond to the classes of persons formerly known as the 'depressed classes', as his Majesty in Council may specify."

As pointed out in the said decision, the Government of India Scheduled Castes Order, 1936, corresponds to the Scheduled Castes Order, 1950. In this connection Sri V. K. Govindarajulu, the learned counsel for the petitioner pointed out that as a result of Mahatma Gandhi's fast as a protest against the provision of separate electorate to the depressed classes (untouchables) in the proposed New Constitution in the year 1932, an agreement was evolved called "The Poona Pact". Under the said agreement the number of representatives for the depressed classes in the Provincial Legislatures was doubled, electoral system was revised and the electorate was to be a joint electorate of caste Hindus and untouchables and the reservation of the seats to members of the Scheduled Castes was to continue until a fresh mutual agreement was arrived at. It is submitted that it is as a consequence of this that Paragraph 26 of Schedule I of the Government of India Act of 1935 came to be included, and these circumstances indicate that the provisions for representation for Depressed Classes was meant only to the lowest class (Depressed Class) amongst the Hindus and not to converts to Hinduism or converts from Hinduism who revert to their original religion. It may be so. It was provided in Paragraph 3 of the Scheduled Castes Order of 1936 that no Indian Christian

shall be deemed to be a member of the Scheduled Castes and the term "Indian Christian" in Paragraph 26 means "a person who professes any form of the Christian religion and is not an European or an Anglo Indian" Therefore, the protection that was given for the Scheduled Castes was meant to benefit those who continued as Hindus and who came within the category of the Castes enumerated as Scheduled Castes. The same principle underlines Paragraphs 2 and 3 of the Scheduled Castes Order. The benefit of Paragraphs 2 and 3 is meant only for those who suffer the caste distinction which is a special feature of Hinduism. In fact the social injustice to and segregation of the Scheduled Castes, was based on social inequality and the caste system prevalent amongst the Hindus. The fifth class called the "Depressed Class" which was the lowest class amongst the Hindus and who suffered the maximum social injustice are the persons included amongst the Scheduled Castes. It is for the amelioration of the Depressed Classes that the principle of reservation of seats in the Legislatures to them, was evolved, as reserved seats for Scheduled Castes. Without entering into the philosophical doctrines underlying the Hindu religion which is quite complicated, it cannot be denied that the caste system is an integral part of Hindu Society and is connected with Hindu religion. Their Lordships of the Madras High Court in the above decision further observed that:

> "Christianity and Islam are religions prevalent not only in India but also in other countries in the world. We know that in other countries these religions do not recognise a system of castes as an integral part of their creed or tenets."

Neither Islam nor Christianity tolerate any differences based on caste distinctions. No doubt in the case of conversion to Christianity instances can be found in which in spite of conversion caste distinctions may continue and the converts are governed by the law which applied to them before conversion. Their Lordships further observe that:

> "These are all cases of exception and the general rule is conversion operates as an expulsion from the

caste; in other words, a convert ceased to have any caste."

I respectfully agree with these observations. Once a member of the Scheduled Caste is converted to Christianity he is as good as any other Christian. He does not suffer any disability which the Adi Dravida Hindu suffers and he enjoys all the privileges that any other Christian enjoys. If the conversion of a Hindu to any other religion does not remove the disabilities that he suffers as a member of the Hindu religion belonging to the Depressed Classes, then such community is included in paragraph 3 of the Scheduled Castes Order in the same way as the Sikh Community has been included. The observations of the Madras High Court in paragraph 17 (a) and 18 are very pertinent in this connection and they are as follows:—

"17 (a). In my opinion, paragraph 3 of the Constitution (Scheduled Castes) Order proceeds on this general assumption and does not take notice of individual exceptional instances. When in any locality, in spite of conversion caste distinctions continue as a general rule, then the President evidently takes notice of it. The proviso to paragraph 3 of the Order illustrates this. Apparently in Punjab and the Patiala and East Punjab States Union members of some of the castes in spite of professing the Sikh Religion, continue to have caste distinctions. That is why the members of those castes are deemed to be the members of the Scheduled Castes whether they profess the Hindu or the Sikh religion. Presumably on the information which must have been placed before the President he was not convinced that as a general rule the persistence of caste differences obtained in other parts of the Union in spite of conversion to other religions. It may be that the President was mistaken or his information was incomplete; but I do not think it is open to us to sit in judgement over his decision."

"(18) I have no hesitation in holding that paragraph 3 should be read in conjunction with paragraph 2 and so read, the Order in effect specifies those parts of, or groups within the enumerated castes which profess the Hindu religion and directs that they should be deemed to be scheduled castes. Though in form Paragraph 3 is negative in substance the definition is positive."

These observations are relied upon by Sri Govindarajulu to understand the meaning of the word 'profess' in paragraph 3 of the Scheduled Castes Order. Their Lordships of the High Court of Madras in the abovementioned decision understand the word "profess" as "belongs to." The reason for giving this meaning has also been set out. A person who has been born into a particular religion and has not been converted to another religion, the mere fact that he is of an unorthodox type or has no belief personally in the tenets of that religion would not take him out of the category of a person professing that religion. Therefore such a person belongs to the religion in which he is born and professes the same. Sri V. Krishna Moorthy points out that the decision in A.I.R. 1952 Mad. 474 was dealing with a case where admittedly a Christian convert was challenging the validity of Paragraph 3 of the Scheduled Castes Order and therefore the observations in the decision are merely in the nature of *obiter dicta*, and they are opposed to the decision in A.I.R. 1965 S. C. 1179 PUNJAB RAO v. D. P. MESHRAM. Though it may be that some of the observations are *obiter*, I cannot accept that they are opposed to what has been said in A.I.R. 1965 S. C. 1179. A direct reference to this will be made a little later. Sri Krishna Murthy does not contend that Paragraph 2 and 3 of the Scheduled Castes Order must not be read together. He submits that Paragraph 2 of the Order is based on birth in a community which is included as one among the Scheduled Castes and such birth determines the status of the particular member as a member of the Scheduled Caste. Paragraph 3 provides an exception to Paragraph 2 where a member of the Scheduled Caste professes any religion other than the

Hindu or the Sikh religion. Sri Krishna Moorthy does not contend that conversion does not take a member of the Scheduled Caste from out of Paragraphs 2 and 3, but he submits that conversion, if genuine, may bring about a cessation of the status of the convert as a Hindu; but, if such a conversion is not *bona fide* and the convert does not profess the religion to which he has been converted, he is unaffected by the provisions of Paragraph 3.

This argument consists of two parts. Firstly, it requires the consideration as to whether the conversion of the respondent was genuine and secondly whether he professed Christianity after such conversion. In support of the first aspect of this contention, *viz.*, that the conversion, if any, of the respondent is not genuine, Sri Krishna Moorthy relied upon the decision reported in A.I.R. 1943 Lah. Page 51 (VERMANI v. VERMANI). The observations on which he relies are as follows:

> "We have no doubt that if the certificate of baptism relied upon does refer to the respondent he never really was converted to Christianity and that the ceremony was gone through to further his own fraudulent purposes."

In the above decision it was admitted that the respondent was originally a Hindu and married one Durga Devi according to Hindu rites. While that marriage was still subsisting he married the petitioner in Christian from. The petitioner discovered the fact that the respondent had been previously married and his previous wife was still alive. Therefore she sought a decree for nullity of the marriage and for rectification of the Register of Baptisms. The respondent pleaded that he became baptised prior to his first marriage and therefore the said marriage with a Hindu lady was a nullity and it is the second marriage that is valid and therefore the decree for nullity should not be granted. The High Court held that the certificate of baptism relied upon by the respondent in that case does not apply to him and came to the conclusion that the respondent had never become a Christian. They further observed that the

ceremony of conversion, if any, was gone through to further his fraudulent purpose. In the present case, Sri Krishna Moorthy contends that the evidence of P W. 6 discloses that the respondent became a Christian with a view to become a teacher; secondly if he represented that he was an Indian Christian to the Mining Authorities it was with a view to secure employment and therefore the motives that prompted the respondent to get baptised or to profess was only to attain a secular advantage and is not prompted by any faith. In this connection Sri Krishna Moorthy states that the conduct of the respondent subsequent to 1951 assumes importance. As I have already found, the respondent got married not in the Christian form but in a reformed Hindu manner. It is unnecessary now to consider whether the marriage is valid or not. At any rate it is undisputed that the respondent's wife is an Adi Dravida Hindu and when admitting the respondent's children to school they are mentioned as Adi Dravida Hindus. Exhibits R-30, R 31 and R 32 are such applications for admissions. In the Daily Birth Reports relating to the births of the respondent's childern, the caste of the mother of the children is mentioned as Adi Dravida. It is not mentioned as Indian Christian These circumstances, it is submitted, are consistent with the respondent being a Hindu all along and his application for change of religion in Exhibit P 4 as per Exhibit P-7 was *bona fide*.

In order to appreciate his arguments, the position of the respondent at that time requires to be considered. The respondent was living with his parents, his brothers and sister. It appears from the evidence of R. W. 15 that he was opposed to the performance of any marriage in the Christian form and that is the reason why the proposal to take Pushpa Rani in marriage to the respondent fell through. There is no evidence worthy of acceptance to indicate that the respondent went to Hindu temples. On the other hand there is evidence to indicate that he visited Churches and refused to enter Hindu Temples. I have already referred to the description of the respondent as Victor Rajagopal. It cannot be said that the respondent was unaware of the

fact that his religion was mentioned as Christian and his name was given as Victor. There was a conflict in the respondent between his faith and his environment. Therefore he had to put up with his environment whatever might be his faith. In the circumstances of this case it is not possible to accept the suggestion of the respondent's counsel that the motive of the respondent in accepting baptism or in professing the Christian religion was not due to faith in the Christian religion but only to attain secular advantages. It must also be mentioned that the respondent does not set up this case in his written statement. He denies the fact of conversion and his professing the Christian religion. Sri Krishna Moorthy relied on a decision reported in A. I. R. 1956 S. C. page 593 (NAGUBAI v. B. SHAMA RAO) in which it is laid down that an admission is not conclusive and the weight to be attached to it depends on the circumstances under which it is made. It can be shown to be erroneous or untrue. In view of what I have stated above, this decision cannot be of any help. Therefore, the conversion of the respondent to the Christian religion and his professing the same should be accepted as genuine. Sri Krishna Moorthy while referring to the decision of the Supreme Court in A. I. R 1965 S. C. page 1179, places emphasis on the following observations of the Supreme Court:

> "It would thus follow that a declaration of one's belief must necessarily mean a declaration in such a way that it would be known to those whom it may interest. Therefore, if a public declaration is made by a person that he has ceased to belong to his old religion and has accepted another religion, he will be taken as professing the other religion. In the face of such an open declaration it would be idle to enquire further as to whether the conversion to another religion was efficacious. The word "profess" in the Presidential Order appears to have been used in the sense of an open declaration or practice by a person of the Hindu (or the Sikh) religion,

> Where, therefore a person says, on the contrary that he has ceased to be a Hindu he cannot derive any benefit from that Order."

It is submitted that Exhibits P-10, P-11 and P-12 are not declarations made known to those whom it may interest. It is stated that the Voorhees Christian Hostel authorities cannot be said to be persons who have any interest in the religion of the respondent. It is not possible to accept this submission in the face of the evidence of the petitioner's witnesses as also that of some of the respondent's witnesses to the effect that the Christian Hostel was meant exclusively for boys professing the Christian religion. Therefore the authorities of the Hostel were interested to know the religion of the candidate. A similar attack is levelled against the service card Exhibit P-4. It will be noticed that Exhibit P-4 contains details required to identify the employee; besides the father's name, the religion, identification marks are also taken. Therefore, it cannot be said that the Mining Authorities had no interest in knowing to what religion, the respondent belonged. The petitioner's counsel submitted that the declaration made by the convert must be a public declaration in the sense that it is made to an outside public authority. In this view the declarations made by the respondent satisfy the observations made in the Supreme Court decision. In this connection, I may refer to another argument advanced by Sri Krishna Moorthy. He contends that from Exhibits P-10, P-11, P-12, P-4, P-1 and P-3 the petitioner seeks to draw an inference of an admission by the respondent that he was baptised and that he professed the Christian religion. His contention is that under Section 21 of the Evidence Act, admissions are relevant and not inference. In short his contention is that an inference cannot lead to an admission; but an admission can lead to an inference. It is difficult to accept this argument. Under section 17 an admission is a statement oral or documentary. It suggests inference as to any fact in issue or relevant fact. It should be made by persons and in the circumstances enumerated therein. The petitioner's contention in this case is that the five Exhibits referred to above are preceded

by statements which are admissions from which inferences are drawn. Therefore an admission can be the result of an inference and from such admissions other consequences flow. Therefore, there can be no valid objection to accept the aforesaid documents as being preceded by admissions from which an inference relating to baptism of the respondent and his profession of Christianity can be inferred.

The next aspect that requires to be considered is whether the subsequent conduct of the respondent is such that he has reverted to his old religion, the religion from which he was converted. It relates to the third issue. Sri V Krishna Murthy submits that the respondent's marriage in the year 1955 to an Adi Dravida lady is itself proof of his renunciation of the Christian religion and reversion to his original religion. After such renunciation of Christian religion, the community to which he originally belonged treated him as an Adi Dravida Hindu inspite of conversion. Therefore, it is contended that as pleaded in the written statement he professed the Hindu religion from the date of his marriage at least and therefore no disability would attach to him under Paragraph 3 of the Scheduled Castes Order. Strong reliance was placed by him on a decision reported in I. L. R. 41, Allahabad, page 393 (EMPEROR v. MAHA RAM). It was a case where one Maharam alleged to be a Christian was married to a *bhangi* (sweeper according to the rites of the *bhangi* caste. The persons who acted as priests at the marriage were also Christians. These three persons were prosecuted under Section 68 of the Indian Christian Marriage Act. The trial court found all of them guilty. The question that arose for consideration before the High Court was whether Maha Ram was a Christian at the time of the marriage. They held that Section 68 applies strictly to persons who at the time of marriage were persons professing the Christian religion. On facts they came to the conclusion that at the time when Maha Ram married a non-Christian he was not a person professing the Christian religion. They also held that Maha Ram who was a grown up lad mixing in village and school life and there was no evidence in the case of his

having professed Christian faith or belief. It was further held in the said case that a person cannot be a person professing the Christian religion within the meaning of Act No. XV of 1872 simply because he has no possibility of saying to the world that is the faith to which he belongs. It was further observed that no importance could be attached to the fact that he had attended a Christian School. The associate Judge, Justice Welsh agreed with the judgment of Justice Knox and held that:

> "When a person on the eve of his marriage resists all pressure and persuasion to be married as a Christian by a Christian ceremony, and, having by birth and connection other religious associations, deliberately decides to marry a sweeper, according to sweeper rites and does public worship to Hindu Gods in the presence of his relations and friends, he is not "a person profession the Christian religion."

It is pointed out that in the instant case, the respondent married an Adi Dradvida Hindu in Hindu form and therefore it must be taken that he had not been professing the Christian religion as alleged by the petitioner. In view of my discussion in regard to the form of marriage no inference as suggested by Sri V. Krishna Moorthy can be drawn. Reliance is also placed by the learned counsel for the respondent on a decision of the Madras High Court reported in I.L.R. 33 Mad. page 324 (MUTHUSAMI MUDALIAR v. MASILAMANI) It was a case relating to the succession to the estate of a Mudaliar Hindu marrying a Christian lady. It appears that at the time of marriage the lady renounced the "Cross" and by this she got reconverted to Hindu religion. The marriage was held valid depending on the custom of the community. Their Lordships observe that:

> "When the law of inheritance can be governed by the usage, greater latitude is allowed in the case of marriage."

Another case referred to by Sri V. Krishna Moorthy is one reported in A. I R. 1940 Mad. Page 5 3 (DURGA-PRASADA RAO v. SUDARSHANA SWAMY) wherein it is clearly laid down that:

> "A Hindu having renounced Hinduism once can revert back to it scarcely admits of any doubt."

Sri Govindarajulu does not dispute this proposition. It is observed in the said decision that emphasis is to be laid on the prevailing sentiments and usages of the community and its approval or disapproval should be the governing factor It is contended by Sri Krishna Moorthy that in this case the community to which the respondent belonged did not protest against the marriage of the respondent with an Adi Dravida Hindu; further there was no protest from any quarter whatever when he was elected to the Mysore Legislative Assembly as an Adi Dravida candidate in the 1962 Elections; he continued as a member of the Legislative Assembly for a period of five years without any demur from any quarter. It is therefore contended by him that the community accepted him as a member of the Scheduled Caste and therefore he must be treated as a member belonging to the Scheduled Caste. Sri Govindarajulu points out that the conversion of the respondent and his professing the Christian religion was not a fact known to those who could be expected to protest. If the respondent was treated as a member of his family in spite of his conversion, it is not a conscious recognition of reversion to the old caste. It is particularly pointed out by the respondent's counsel that the petitioner himself did not choose to challenge the election of the respondent as he is doing now. The petitioner explains that he did not file any petition challenging the election of the respondent in 1962 because he could not gather enough evidentiary material before the time allowed for filing an election petition. This reason cannot be discounted. The petitioner could not have resorted to challenge the election without adequate material to justify such action. The absence of protest by any other member of the Adi Dravida Community in respect of his election in 1962 as an Adi

Dravida candidate cannot lead to an inference that he was recognised as a member of the Adi Dravida caste. Excepting the persons who are interested directly in the elections, the others are generally indifferent. Even otherwise from the observations that follow the reversion to the old religion will not secure to the respondent the benefits of the Scheduled Castes Order. It must be noticed that decision in 33 Mad. 324, 40 AU 39 8 A I.R. 1940 Mad. page 513 were also concerned with the case of a marriage or incidentally succession. The case of marriage after reconversion of succession after reconversion are cases of exception to the general rule that conversion operates as an expulsion from the caste. Therefore, it is contended by the petitioner's counsel that those exceptions cannot be engrafted into the provisions of paragraphs 2 and 3 of the Scheduled Castes Order 1950. Bearing in mind the fact that the Scheduled Caste' is a creation under the Scheduled Castes Order, read with Art 341 of the Constitution, the meaning of the term "Scheduled Castes" should be strictly confined to the provisions of Paragraphs 2 and 3 of the Order. Caste, as it is understand, is a social combination the members of which are enlisted by birth and not by enrolment. It is so in the case of a Scheduled Caste Hindu. The social injustice like untouchability which arises out of caste distinctions is a feature of Hinduism and it attaches to the lowest caste Hindu by virtue of his birth. Once he is converted to Christianity he purges himself of the scrouge of such disabilities and distinctions. He cannot reimpose them on himself by reversion to the old religion depending upon such recognition by the community to which he reverts or by purificatory ceremonies. The disabilities are attached to a Scheduled Caste Hindu by birth and not by choice The recognition by the community of convert's reversion can only serve to regulate the succession and marriage depending upon the custom and usage of the community. He cannot by his choice *viz.*, by reconversion claim the benefits that are given to the Scheduled Caste Hindus who suffer the social discrimination by virtue of their birth. If it is intended that the benefit should be secured to a

convert from Hinduism who renounces the religion to which he is converted and reverts to his old religion there would have been a specific provision to that effect in the Scheduled Castes Order. As I have found in this case that the respondent had not merely been converted to the Christian religion but has also professed Christianity, he cannot renounce the same and claim the benefit of the Scheduled Castes Order. The disability of the respondent to claim the benefit of the provisions of the Scheduled Castes Order on his conversion to Christianity from Hinduism does not cease by his reversion. Therefore even at the time of scrutiny of the nomination paper, the respondent could not claim the benefit of the Scheduled Castes Order. Hence my finding on the first issue is that the respondent is an Indian Christian by conversion, professing the Christian religion, and not a member of the Scheduled Caste (an Adi Dravida Hindu) and therefore he is not qualified to stand for election to the Mysore Legislative Assembly as a candidate for the seat reserved for Scheduled Castes from the Kolar Gold Fields Constituency and his election should be declared void under Section 100 (1) of the R. P. Act of 1951.

My finding on the third issue is that the respondent has failed to prove the circumstances set out in paragraph 11 of the written statement except the fact of marriage and there has been no reconversion to Hindu religion, so as to give him the benefit of the Constitution (Scheduled Castes) Order, 1950.

In the result, I declare the election of the respondent to fill the reserved seat of the Kolar Gold Fields Constituency to be void. The petition is allowed with costs. Advocate's fee Rs. 1,500.

(Sd)./- K. R. Gopivallabha Iyengar,
Judge, 30-8-1967.

By Order,

133 K. S. RAJAGOPALAN,
Secretary to the Election Commission.

NOTIFICATION.

No. GAD 96 SAS 66, Bangalore, dated 8th November 1967.

The Government of India, Ministry of Home Affairs Notification No. 18/7/67-AIS (III), dated 26th October 1967 is published hereunder for information.

No. 18/7/67-AIS (III)

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi-1, the 26th October, 1967

The President is pleased to appoint the following officers of the Mysore State Civil Service to the Indian Administrative Service Cadre of Mysore in substantive capacity against the vacancies in the Senior Posts shown in item 3 of the Cadre Schedule with effect from the date shown against each:—

1.	Shri I. P. Mallappa	28-12-1966
2.	„ H. L. Nage Gowda	28-12-1966
3.	„ C. M. Kempanna	28-12-1966
4.	„ K. Lakshman Rao	28-12-1966
5.	„ A. R. Adinarayanaiah	28-12-1966
6.	„ Siddayya Puranik	3-2-1967
7.	„ H. Maharudraiah	6-3-1967
8.	„ B. C Channaraj Urs	1-4-1967

Sd/- A. N. BATABYAL,
Under Secretary to the
Government of India.

By Order and in the name of the Governor of Mysore,

B. PURUSHOTHAM,
Under Secretary to Government,
G. A. D (Services).

ELECTION COMMISSION, INDIA.

Talkatora Road,
NEW DELHI-1.
Dated the 30th October, 1967.

ORDER.

No. MY-LA/91/67.—WHEREAS the Election Commission is satisfied that Shri M. Channappa, Byalakonenahalli, Laxmipura Post, Dasanapura Hobli, Nelamangala Taluk, a contesting candidate for election to the Mysore Legislative Assembly from 91-Nelamangala constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder ;

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure ;

NOW, THEREFORE, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri M. Channappa to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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PART IV

Section 1—C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1,
Dated the 31st October, 1967.

NOTIFICATION

No. 82/MY/8/67.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 15th September, 1967 by the High Court of Mysore at Bangalore in Election Petition No. 8 of 1967.

IN THE HIGH COURT OF MYSORE AT BANGALORE

Friday dated the 15th day of September 1967.
Before

The Hon'ble Mr. Justice G. K. Govinda Bhat.

Election Petition No. 8 of 1967.

Konappa Rudrappa Nadgowdar son of Sri Rudrappa, aged about 40 years, resident of Yadagiri, District Gulbarga.
Petitioner.

By Sri G. R. Ethirajulu Naidu and Sri A. C. Byrappa.

Versus

1. Vishwanatha Reddy, son of Rachangouda, aged about 36 years, Yadagiri, Gulbarga District.

By Sri B. S. Patil and Sri K. Jaganatha Shetty.

2. The Assistant Commissioner and Returning Officer for Yadagiri Assembly Constituency, Yadagiri, Gulbarga District. .... Respondents.

By Sri G. B. Kulkarni, High Court Government Pleader.

Election Petition filed by the petitioner under Section 81, read with Section 100 and 101 of the Representation of the People Act, 1951 challenging the election of the Respondent No. 1 to the Mysore Legislative Assembly from Yadgir Constituency in the General Elections held in February 1967 and seeking an order that the election of respondent No. 1 may be declared as void to the Mysore Legislative Assembly in 1967 General Elections on the ground that his nomination was improperly accepted by the 2nd respondent—Returning Officer and the petitioner may be declared as having been duly elected, as the 1st respondent's nomination was improperly accepted and other candidates who had filed their nomination papers had withdrawn before the time fixed for withdrawal and to award costs.

This Election Petition coming on for trial on Monday 7th, Tuesday 8th, Wednesday 9th, Thursday 10th, Friday 11th, Monday 14th, Wednesday 16th, Thursday 17th, Friday 18th, Monday 21st, Tuesday 22nd, days of August, 1967, in the presence of Sri G. R Ethirajulu Naidu and Sri A. C. Byrappa, Advocate for the Petitioner and Sri B. S. Patil and Sri K. Jagannatha Shetty, Advocate for Respondent No. 1 and Sri G. B. Kulkarni, High Court Government Pleader Respondent No. 2 appearing this Election Petition having stood over for consideration, the Court made the following order this Friday 15th day of September 1967.

ORDER

In the election to the Mysore Legislative Assembly from No. 17 Yadgir Constituency held in February 1967 the petitioner and Respondent No. 1 were the contesting candidates; Respondent No 1 was declared elected by the Returning Officer on 22nd February 1967.

On March 30, 1967 the defeated candidate has preferred the above election Petition for a declaration that the election of Respondent No. 1 to be void and that the Petitioner to have been duly elected.

The petitioner had alleged in his petition that the last date for filing the nominations was January 20, 1967, that besides the petitioner and Respondent No. 1, five more persons had filed their nominations, that at the time of scrutiny of nominations held on January 21, the petitioner raised objections to the acceptance of the nomination of Respondent No. 1 on the ground that he is disqualified under Section 9-A of the Representation of the People Act, 1951 hereinafter called the 'Act', that the said objections were over-ruled by Respondent No. 2 the Returning Officer and the nomination of Respondent No. 1 was accepted as valid and that the five other persons whose nominations had been accepted withdrew their candidature under Section 37 of the Act and consequently the Petitioner and Respondent No. 1 were the only two contesting candidates who sought for election. The Petitioner has further alleged that the nomination of Respondent No. 1 was improperly accepted by Respondent No. 2 and the result of the election has materially affected by the improper acceptance of his nomination and that the petitioner being the only other candidate that contested the election, he should be declared elected.

The grounds stated in the petition in support of the case that Respondent No. 1 is disqualified under Section 9-A of the Act are that Respondent No. 1 is one of the partners of a firm called "The Yadgir Construction Company, Yadgir", the Respondent No. 1 is the sole representative of

he said firm and in that capacity he had executed a power of attorney in favour of one R. Hampanna of Yadgir to take up contract works and to enter into agreements and that the said Hampanna entered into contracts with the Government of Mysore to construct buildings, irrigation works and formation of roads in Gulbarga and Yadgir Sub-Divisions, that 16 items of works were taken on contract by the Yadgir Construction Company and out of the said works one was the construction of a building for dispensary at Wadagara and that some items of the said works specified in paragraph 4 of the Election Petition were incomplete, that the Executive Engineer, Yadgir had issued a completion certificate on 18th January 1967 to Respondent No. 1 on the basis of the report of the Assistant Engineer and that subsequently the said Executive Engineer after personal verification discovered that the work was incomplete and therefore on 20th January 1967 he revoked his earlier certificate and intimated the Returning Officer of the same. The petitioner has further alleged that the the aforesaid firm had taken up on contract the construction of a road known as 'Nalwar Sonthi Road' in Gulbarga Division which work was also incomplete.

Respondent No. 1 has filed a written statement in which he has denied that any of the works mentioned in the Election petition were incomplete; he further stated that the firm of Yadgir Construction Company came into existence in 1963 and it was dissolved on December 24, 1966 and that all the assets and liabilities of the firm were taken over by R. Hampanna aforesaid. He contended, *inter alia*, that the works contracts relied on by the petitioner were between partnership firm and public works Department Officers made in contravention of Article 299 of the Constitution and therefore void and inoperative; that the disqualification imposed by Section 9-A of the Act is not attracted to him since the alleged contract was entered into by the firm and not by him in the course of his trade or business and that in any event after the issue of a certificate of completion, the Executive Engineer had no power to withdraw the same. Respondent No. 1 has alleged that

the Public Works Department Minister, Sri Veerendra Patil is very much interested in the petitioner and the said Minister has brought to bear pressure on the Executive Engineer to withdraw his certificate.

On the pleadings, the following issues were settled:

1. whether on the date of the scrutiny of nominations, there subsisted a contract entered into by the Yadgir Construction Company, Yadgir, in the course of its trade or business with the State of Mysore?

2. If the answer to issue No. 1 is in the affirmative, is Respondent No. 1 disqualified to be chosen as a member of the Mysore Legislative Assembly?

3. What Reliefs?

The petitioner examined six witnesses besides himself; five witnesses were examined for Respondent No. 1 besides himself. Twenty two documents were exhibited for the petitioner and eight documents for the Respondent.

Yadgir Construction Company is a firm of contractors, formed with 8 partners in the year 1959. The said firm was dissolved and new firm of the same was constituted in January 1963 with 20 partners. Six of the partners of the original firm jointed as partners of the new firm. All the assets and liabilities of the old firm were taken over by the new firm. Exhibit R-5 is a copy of the deed of partnership dated 3rd January 1963. partner No.1 was Viswanatha Reddi Mudhnal, who is Respondent No 1; he was also a partner in the original firm constituted in the year 1959. One R. Hampanna to whom I have to refer in the course of the evidence was one of the partners of the firm constituted under Exhibit R-5; he was not a partner of the original firm. Under Exhibit R-5 and also under the partnership deed of 1959 which has not been produced in the case, Respondent N. 1 was appointed as sole representative of the firm and he was authorised to negotiate contracts, receive and sign cheques, borrow money and make payment and do all necessary acts

for the firm. It is in the evidence of Respondent No. 1 (R. W. 6) that before 1963 the Yadgir Construction Company had taken up a number o P. W. D. contracts and whatever contracts remained unexecuted or were incomplete were taken up by the Yadgir Construction Company constituted under Exhibit R-5.

One of the P. W. D. contracts entered into by Yadgir Construction Company its reconstitution, was a contract for the construction of a road from Nalwar to Santhi from mile 'o' to mile 4. The tender of the firm was accepted on 23rd April 1962 and that work was taken up by the firm as reconstituted under Exhibit R-5. A formal agreement f r the construction of the said road was entered into on 17th December 1962; Exhibit P-10 is the said agreement.

Another works contract tak n up by the Yadgir Construction Company was the construction of a dispensary building for the Primary Health Centre at Wadagara. Time for completion of the said contract was six months from the date of 'mark-out' which was done on 5th February 1964. Though the work was entrusted to the Yadgir Construction Company in 1964 and work was commenced on 5th Februrary 1964 the formal agreement was executed only on 23rd February 1966. exhibit P-12 is the said agreement entered into by The Yadgir Construction Company with the Public Works Department.

The aforesaid agreements Exhibits P-10 and P-12 Provide that the contractors shall execute the said works to the entire satisfaction of the Executive Engineer. It is relevant to state at this stage that the agreements have been signed by the Executive Engineers on behalf of the Governor of Mysore.

On 24th December 1966 the Yadgir construction Company was dissolved by a deed of dissolution of that date marked as Exhibit R-6. Under Exhibit R-6 the assets and liabilities of the firm as on the date of its dissolution were handed over to R. Hampanna, partner No. 10 of the Yadgir Construction Company and all the other partners declared that they have ceased to hold any interest

in the said firm. Notice of dissolution was given to the Registrar of Firms, and the concerned Income Tax Officer: public notice of dissolution of the firm was given on 12th January 1967 as seen from Exhibit R-7.

The case of the petitioner is that the aforesaid two works taken by the Yadgir Construction Company were incomplete on the date of the filing of the nomination and also on the date of declaration of the result, that the contracts have not been fully performed by the Yadgir Construction Company and that Respondent No. 1 who was a partner of the said firm is disqualified for being chosen as, and for being, a member of the Mysore Legislative Assembly.

According to the petitioner the following items of work in respect of the Wadagara dispensary building contract have not been completed:

(i) Welded mesh for the front waiting and to the rear opening is not provided;

(ii) Painting of two coats to the new wood work is incomplete;

(iii) Some of the fittings and fixtures to the doors and windows are not oxidised iron ones;

(iv) The left side compoundwall about 30' long for the quadrangular open yard is not constructed;

(v) The white washing is incomplete in the ward and doctor's room in the right wing;

(vi) The site clearance is not attended;

(vii) The polished shabad flooring in the left wing rear Verandah requires to be redone and rectified;

(viii) flooring is incomplete in the store room in the right wing;

(ix) The building is not handed over to the Department;

(x) The final measurements are not recorded and work not yet accepted by the Department.

With regard to the Nalwar-Sonthi road, it is the petitioner's case that items Nos. 8 to 12 of Schedule 'A' to the agreement Exhibit P-10 have not been done. The said items as described in the said schedule are:

"8. Supplying and fixing at site Shahabad kilometer stone once dressed and fixed in bed of lime concrete 1 : 2 : 4 or C.C. 1 : 8 : 16 with 2" guage Shahabad metal engraved and painted with figuring complete as per type design and as directed.

9. Supplying and fixing at site Hectometer stone of Shahbad stone once dressed and fixed in a bed of lime concrete 1 : 2 : 4 or Cement concrete of 1 : 8 : 16 with 2" guage Shahabad engraved and painted with figuring complete as per approved pattern.

10. Supplying and fixing at site road boundary stones of Shahabad stone once dressed and fixed in a bed of lime concrete 1 : 2 : 4 or C. C. 1 : 8 : 16 2" guage Shahabad engraved and painted with figuring and complete as per approved pattern.

11. Supplying and fixing at site high banks guard stones of Shahabad stones (2' 3" x 1' x 1') once dressed and fixed in a bed of lime concrete 1 : 2 : 4 proportion or C.C. of 1 : 8 : 16 with 2" guage Shahabad metal white washed and painted complete as per type design.

12. Supplying and fixing at site curve demarcation stones of Shahabad stone once dressed and fixed in bed of lime concrete 1 : 2 : 4 or C.C. of 1 : 8 : 16 with 2" guage Shahabad metal including white washing and painting etc., complete as per type design and as directed."

The contention of Respondent No. 1 is that the Nalwar Sonthi road construction work was completed in

August 1966 and that the said road has since then been opened to traffic; that Wadagara dispensary work has been completed in October 1966 and possession of the building was delivered to the Public Works Department in December 1966 and that the dispensary has been opened in the said building. According to Respondent No. 1 the aforesaid contracts have been fully performed by the Yadgir Construction Company by whom they have been entered into with the Public Works Department and by reason of the explanation to Section 9-A of the Act the contracts shall be deemed not to subsist by reason only of the fact that the Government has not made the final payment.

Respondent No. 1 has also raised two legal contentions which I shall dispose of before I deal with the main question whether or not the aforesaid two contracts have been fully performed by the Yadgir Construction Company. One contention was that the contracts in question were entered into by a firm of which he was only a partner and that the disqualification under Section 9-A is not attracted to him where the contract is not entered into by him in the course of his trade or business with the Government, but by the firm in the course of its trade or business. Another contention was that the agreement Exhibit P-10 for the construction of the road was executed on behalf of the Governor of Mysore by the Executive Engineer, Public Works Department, who was not authorised under the Order made by the Governor in exercise of the powers conferred by clause (1) of Articles 299 of the Constitution of India. Though in the written statement Respondent No. 1 contended that both the contracts were void and that they were not executed in accordance with the provisions of Article 299 of the Constitution, after the learned counsel for the petitioner produced a copy of the order of the Governor made on 7th April 1961 published in the *Mysore Gazette* in May 1961, the learned counsel for Respondent No. 1 gave up his contention that the contract under Exhibit P-12 contravened Article 299 of the Constitution and therefore void and he confined his objection only to the contract and under Exhibit P-10.

Exhibit P–10 is dated 17th December 1962; it was executed by the Executive Engineer, Gulbarga on behalf of the Governor of Mysore. Exhibit P–10 relates to the execution of the work construction of a four mile road from Nalwar to Sonthi. The contention of Sri B. S. Patil the learned counsel for Respondent No. 1 was that the order made by the Governor of Mysore on 7th of April 1961 in exercise of the powers conferred by clause (1) of Article 299 of the Constitution of India does not authorise the Executive Engineer to execute the agreement on behalf of the Governor of Mysore and that it is only the Secretary to Government in the Public Works Department that was so authorised. Sri G R Ethirajulu Naidu the learned counsel for the petitioner urged that by virtue of clause (2) of the said Order the Executive Engineer was authorised to execute the agreement on beha f of the Governor of Mysore. The decision therefore rests on the interpretation of the order of the Governor of Mysore made on 7th of April 1961. The said order reads:

"No. LAW 20 LGN 61, dated Bangalore, the 26th April, 1961 (Vaishaka 6, Saka Era 1883).

The following Order made by the Governor of Mysore on the 7th day of April 1961, is hereby published for general information :—

ORDER.

In exercise of the powers conferred by clause (1) of Article 299, of the Constitution of India, the Governor of Mysore hereby directs that the undermentioned clauses of contracts and assurances of property made in the

exercise of the executive powers of the State of Mysore shall be executed on his behalf as follows :—

I. IN THE CASE OF THE PUBLIC WORKS DEPARTMENT.

1 All instruments relating to the purchase, supply and conveyance or carriage of materials, stores, machinery etc.	By the Secretary to Government, Public Works Department, Chief Engineers, Special Chief Engineers, Superintending Engineers, Executive Engineers or Assistant Engineers.
2 All instruments relating to the execution of works of all kinds connected with buildings, bridges, tanks, reservoirs, docks, harbours and embankments and also instruments relating to the construction of water works, sewage works, the erection of machinery and the working of local mines.	
3 Bonds of auctioneers and security for the due performance and completion of works.	
4 Security bonds for due performance of their duties by Government servants whom the officers specified have powers to appoint.	By the Secretary to Government Public Works Department Chief Engineers, Special Chief Engineers, Superintending Engineers or Executive Engineers.
5 Lease for grazing cattle on canal banks, or roadsides : for fishing in canals; for cultivation of land under the Public Works Department; leases of water for irrigation and other purposes and leases of water power; and instruments relating to the sale of grass, trees on roadsides and in the compound of Government buildings, trees, fruit and other miscellaneous produce on roadsides and plantations.	By Chief Engineers, Special Chief Engineers, Superintending Engineers, Executive Engineers, or Assistant Engineers.
6 Licences to regularise projections such as balconies, windows and other like projections on or over Government land.	By Executive Engineers.

7 Leases of houses, lands or other immoveable property, provided that the rent reserved shall not exceed Rs. 5,000 a month.	By Chief Engineers, Special Chief Engineers or Superintending Engineers.
8 All instruments connected with reconveyance of property given as security.	By Chief Engineers, Special Chief Engineers, Superintending Engineers or Executive Engineers.
9 Agreements for the recovery of fines on account of drift wood or other timber passing into a canal.	
10 Instruments conducted with the collection of farming of tools at bridges or ferries or other means of communication provided by Government.	By Chief Engineers, Special Chief Engineers Superintending Engineers, Executive Engineers or Deputy Commissioners.
11 Agreements relating to loan of tools and plant to contractors and others	By Executive Engineers.
12 Agreements for catering contractors in hostels and tiffin rooms and for the protection of conveyance belonging to the staff working in public buildings.	By Chief Engineers, Special Chief Engineers, Superintending Engineers or Executive Engineers.
13 All deeds and instruments relating to matters other than those hereinbefore specified.	By the Secretary to Government, Public Works Department.
14 Agreement with the Mysore State Electricity Board regarding the supply of electric energy.	By the Executive Engineers.

X X X X

JAYACHAMARAJA WADIYAR,

GOVERNOR OF MYSORE

By Order and in the name of the Governor of Mysore,

P. R. VASUDEO,

Secretary to Government, Law Dept."

Clause (1)

Clause (1) of Article 299 of the Constitution of India prescribes a definite procedure according to which contracts entered into by the Union and State Governments shall be executed. One of the requirements of the said Article is that the contract must be executed by a person duly authorised by the Governor of the State. The Governor by his Order is empowered to confer power upon a particular officer to execute contracts on his behalf. If Article 299(1) is not complied with, the contract is void. It has been laid down by the Supreme Court in LALITESWAR PRASAD v. BATESHWAR PRASAD[1], that a contract entered into with the Government in contravention of Article 299 of the Constitution is void and unenforceable and that a mere agreement entered into in contravention of Article 299 and in fact not ratified by the Government could not be called a 'contract' within Section 7(d) of the Representation of the People Act, 1951 as amended in 1958.

The Order of the Governor has classified contracts and assurances of property made in the exercise of the executive power of the State of Mysore in the case of the Public Works Department into 14 categories. Class (2) refers to all instruments relating to the execution of works of all kinds connected with buildings, bridges, tanks, reservoirs, docks, harbours and embankments and also instruments relating to the construction of water works, sewage works, the erection of machinery and the working of local mines; there is no express mention of roads in class (2) and therefore it was contended by Sri Patil the learned Counsel for Respondent No. 1 that the contract under Exhibit P-10 does not fall within class (2) of the Governor's Order and since instruments relating to execution of road works have not been specified in classes (1) to (12) and (14) of the Order, such contracts fall within class (13) which is a residuary clause. The preamble to the Order refers to classes of contracts and assurances of property made in the exercise of the executive power of the State in the case of the Public Works Department. Class (2) deals with one class of

(1) A. I. R. 1966 S. C. 580.

contracts, *viz.*, the execution of works of all kinds. Reference to buildings, bridges, tanks, etc., is only enumerative and not exhaustive. None of the other classes of contracts in Part I of the Order refer to instruments relating to execution of works. Instruments relating to the execution of road works in my opinion fall within class (2) of the Governor's Order and therefore the Executive Engineer was authorised to execute the contract on behalf of the Governor. The contention that Exhibit P-10 was executed in contravention of Article 299(1) of the Constitution of India is rejected.

The other legal contention of Sri Patil the learned counsel for Respondent No. 1 that the disqualification imposed by Section 9-A of the Act is not attracted where the contract is entered into by a partnership firm is also in my opinion untenable. Section 9-A of the Act reads:

> "*9-A. Disqualification for Government contracts, etc.*—A person shall be disqualified if, and for so long as, there subsists a contract entered into by him in the course of his trade or business with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government.
>
> *Explanation.*—For the purpose of this section where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part."

Section 9-A was introduced by the Amending Act No. 47 of 1966. In the original Act No. 43 of 1951, the Corresponding provision was contained in Section 7(d) which read thus:

> "If, whether by himself or by any person or body of persons in trust for him or for his benefit or on his account, he has any share or interest

in a contract for the supply of goods to, or for the execution of any works or the performance of any services undertaken by, the appropriate Government;"

The said Section 7(d) was amended by the Amending Act No. 58 of 1958 thus:

"If there subsists a contract entered into in the course of his trade or business by him with the appropriate Government for the supply of goods to, or for the execution of any works undertaken by, that Government;".

Section 7(d) before its amendment by Act No. 58 undoubtedly disqualified a partner of a firm if there subsisted a contract entered into by the firm with the appropriate Government. The conditions under which disqualifications were incurred under Section 7 (d) were wider than under Section 7(d) as amended by the amending Act No. 58 of 1958. Any share or interest in a contract for the supply of goods or for the execution of any works or the performance of any service undertaken whether by himself or by any person or body of persons in trust for him or for his benefit or on his account disqualified a candidate from being elected as a member of the Legislature. Even a casual contract entered into by a person thuogh not in the course of his trade or business disqualified a candidate. By the amendment of 1958, the scope of disqualification was restricted; only contracts entered into in the course of a person's trade or business by him with the appropriate Government attracted disqualification. By the amendment of 1966, the scope of disqualification was further narrowed by the explanation to Section 9-A which says that for the purposes of the Section, where a contract has been fully performed by the person by whom it has been entered into with the appropriate Government, the contract shall be deemed not to subsist by reason only of the fact that the Government has not performed its part of the contract either wholly or in part. The object of the explanation was that where a contractor has fully performed his part of the

contract by executing the work or works undertaken with the appropriate Government, but where final payment is not made by the Government which ordinarily took inordinate time, the contract is deemed not to subsist.
Sri Patil's argument was that the word 'person' by virtue of the definition in Section 2 (g) of the Representation of the People Act, 1950 read with Section 2 (1) (a) of the Act, does not include a body of persons: in the case of a contract entered into by a firm the contract is by a body of persons and such a contract is not a contract by the individual partner entered into by him in the course of his trade or business with the appropriate Government for the supply of goods or the execution of any works undertaken by that Government. According to the learned counsel, the disqualification imposed under Section 9-A will be attracted only where the candidate has himself entered into a contract in the course of his trade or business with the appropriate Government and not where the contract is entered into by a firm of which he is a partner.

Section 4 of the Partnership Act defines 'Partnership' as the relation between persons who have agreed to share the profits of a business carried on by all or any of them acting for all and the persons who have entered into partnership with one another are called individually 'partners' and collectively a 'firm'. A firm has no legal entity like a Corporation. It is only a compendious name for certain persons who carry on business or have authorised one or more of their number to carry it on, in such a way that they are jointly entitled to the profits and jointly liable for the debts and losses of the undertaking. For the purpose of determining legal rights, 'there is no such thing as a firm known to the law'. Under the Code of Civil Procedure, suits may be brought by or against partners in the name of the firm, but this is only a matter of procedure.

The business carrid on by the firm is the business of all the partners constituting the firm. The functions, rights and duties of partners in a great measure comprehend those of agents, and the general rules of law applicable to agents likewise apply to partners. Accordingly, the liability

of one partner for the acts of his co-partners is founded on the principles of agency. Every partner in a firm, apart from any special powers conferred on him by the articles of co-partnership, is not only a principal, but is also for all purposes within the scope and objects of the partnership, a general and authorised agent of the firm, and the agent of all the the partners. This agency is mutual; each partner is both an agent and a principal of each other partner. A partner embraces the character both of a principal and agent. With respect to the concerns of the partnership, he virtually acts as principal for himself and as agent for his partners. During the existence of a partnership, therefore each member is deemed to be authorised to transact the whole business for the firm, his acts being treated as the acts of all, and binding on them, just as if they were present and sanctioning that which is done, whether it is done in the firm name or in the name of a partner. Therefore a contract entered into by a firm in its name is a contract entered into by all the partners and binding on them and that contract is entered into in the course of their business. In that view, therefore, if the contracts Exhibits P-10 and P-12 subsist on the date of the scrutiny of the nomination, Respondent No. 1, who was admittedly a partner of the Yadgir Construction Company, is disqualified under Section 9-A of the Act.

The main question for determination is whether or not on the date of scrutiny on 21st January 1967 the contracts entered into by the Yadgir Construction Company with the Government of Mysore for the execution of the Nalwar-Sonthi Road under Exhibit P-10 and the Wadagara dispensary building work under Exhibit P-12 were subsisting. It is undisputed that the final payments in respect of the said works undertaken by the contractors have not been made by the Government; but the contention of Respondent No. 1 is that the contractors have fully performed the execution of the works undertaken by them and consequently by virtue of the explanation to Section 9-A of the Act, the contracts shall be deemed not to subsist.

The case of the petitioner is that the said contracts have not been fully performed by the contractors while the

contention of Respondent No. 1 is, as already stated, that the said contracts have been fully performed.

I will first deal with the contract for the construction of the Nalwai-Sonthi road as to which the petitioner's case is that the works specified in items Nos. 8 to 12 of the schedule to Exhibit P-10 have not been done at all. It is relevant to state that at the time of the scrutiny the petitioner did not raise any objection on the ground that the contract under Exhibit P-10 has not been fully performed. The explanation offered by the petitioner in his evidence is that he had sought information from the Executive Engineer, Gulbarga within whose jurisdiction the said work is situated and that on 19th January 1967 a certificate was issued by the Personal Assistant to the said Executive Engineer stating that the work had been completed physically but the final bill has not been paid, and subsequently he learnt that on the application of Respondent No. 1 the Executive Engineer had issued a certificate of non-completion; he further stated that he has actually inspected the road in question and found that item Nos. 8 to 12 of the works specified in Exhibit P-10 have not been performed.

P. W. 3 N. M. Nagarajiah is the Assistant Engineer, Chitapur since June 1966 and he was supervising the road construction work on behalf of the Public Works Department. He has stated that the tender in respect of the road Construction was accepted in the year 1962 that the work was begun in 1962, that Sri Gurunatha Reddi R. W. 3, was looking after the work on behalf of the contractors and that by the end of January 1967 the road construction work was incomplete with respect to the following items; (i) fixing kilometer stones (ii) fixing hectometer stones, high bank guard stones, curve stones and road boundary stones. He also stated that on the application of R. W. 3 he had made a report that the said work was incomplete in respect of the abovementioned matters.

Exhibits P-9 and P-8 are the measurement books relating to the Nalwai-Sonthi road construction work. The

measurement book Exhibit P-9 was issued on 21st November 1962; the first measurement was taken on 27th January 1963 and the last measurement as seen from Exhibit P-8 was checked by P. W. 3 on 19th October 1966 The last payment was made on 21st October 1966. P. W 3 has admitted that on 24th December 1966 he had issued a notice to the contractors as per exhibit R-1. It is seen from exhibit R-1 that the contractors' tender was accepted on 23rd April 1962 and that the work ought to have been completed by the end of June 1963. Clause (17) of Exhibit P-10 provided that the work should be completed and delivered by the end of June 1963. The said clause provided for levy of penalty if the work is not completed within the time stipulated. In Exhibit R-1. P. W. 3 has drawn the attention of the contractors to the penalty clause and called upon them to attend to three items of work only and there is no mention that fixing kilometer stones, hectometer stones, high bank guard stones etc., as specified in item Nos. 8 to 12 of the schedule of Exhibit P-10 were not complete. Since Exhibit R-1 is an important notice issued at an undisputed point of time, it is necessary to set out the same in its entirety. It reads

"No. D/

To

M/s. Yadgir Construction Co.,
Yadgiri.

Sub.—Constructing a road from Nalwar to Sonthi, Mile 0/0 to 1/0.

Dear Sir,

The above work was let out to you on tender basis on 23rd April 1962. You ought to have completed the work in all respect by end of June 1963 as per the programme of expenditere cloaked out in the A. B signed by you. But the same is not yet completed inspite of the notices issued to you by this office and from the E.E., P.W.D.

Gulbarga to complete the work immediately failing which penal clause of the A. B. will be enforced. You have utterly failed to complete the work within the agreed period of A. B. The following works are yet to be attended by you.

(1) Collection of balance quantity of muram from M. 0/0 to 4/0 for berms.

(2).....

(3) Spreading muram for berms to remainingportions of berms.

(4) Excavating drains at Nalwar junction point.

As such please resume the work and complete all balance items within 15 days from the date of issue of this notice failing which action will be taken to penalise as per the terms of the A. B and the work will be carried out Departmentally at your risk and cost for which you please note.

Y. S
Id/-20/12
A. E.
Id/-16/12.

Copy submitted to the E.E., P.W.D., Division, Gulbarga for kind information and needful action.

A. E."

P. W. 3 has admitted that the items which he has mentioned in Exhibit R-1 were completed by the end of December 1966. This is what he has stated in his cross-examination:

"The last checking by me was on 18th October 1966 as seen from Ext. P-8. After I took over I remember to have issued two or three notices to the contractors for completing the work. I maintain copies of notices. I received no response to the said notices. I can produce

the office copy of the notices which I have issued. These copies are in my file which I have brought it before the Court. Exhibit R-1 is the office copy of the notice which I have issued on 20th December 1966. That was the last notice. Items 8 to 12 of

"of the schedule which I have stated in Court as incomplete have not been mentioned in Exhibit R-1. The items which I have mentioned in Exhibit R-1 have been completed. They were all completed by the end of December 1966. I am not in a position to deny that the items specified in Exhibit R-1 were not completed before 24th December 1966. I issued Exhibit R-1 after Inspection of the work. When I issued Exhibit R-1, I had the schedule to the Agreement. The road is open to traffic completely since about September 1966.

I brought the file and the measurement books at my own instance for the purpose of verification. The contractor has been paid for the work on 21st October 1966 and that it is shown from Exhibit P-8. The payment immediately previous to the last payment was on 15th March 1966. The Bills are checked by me and then sent to the Executive Engineer who passes the bills for payment. The Exhibit R-1 issued by me was after the last payment."

P. W. 3 has no explanation for nonmention of item Nos. 8 to 12 of the schedule to Exhibit P-10 in his notice Exhibit R-1 if they were incomplete In his re-examination the petitioner 's learned counsel asked for his explanation, but he did not offer any explanation. This is what he has stated in his re-examination:

"In Exhibit R-1 I mentioned the items which are portions of major works; items 8 to 12 of the schedule are also important items. No payment is made before the work is completed."

The petitioner had sought for information from the Superintending Engineer, Gulbarga, P. W. 2. regarding the completion of the road contract and the Wadagara dispensary building by the Yadgir Construction Company. On the basis of the said application. P. W. 2 called for information from the Executive Engineers of Gulbarga and Yadgir. Exhibit R-2 dated 19th January 1967 is the copy of the note received by the Executive Engineer, Yadgir Division.

Exhibit R-2 reads:

"Copy of S. E's endorsement dated 19th January 1967

1. Wadagera Public Health Unit Dispensary building.
2. Nalwara Sonthi road.

E. Es. to report if these works entrusted to Yadgir Construction Co., are completed and final bill paid or not Copy of partnership deed to be furnished.

Sd/19/1 S.E.I/C.
Received at 9 P.M.

"True Copy"

Sd/. E. E. Yadgir Dn. camp. Gulbarga

On receipt of a similar endorsement by the office of the Executive Engineer, Gulbarga Division, the Personal Assistany to the Executive Engineer wrote to the petitioner that the work had been completed and a copy of that letter was also submitted to the Superintending Engineer with reference to his endorsement dated 19th January 1967. Exhibit R-3 is the office copy of the said letter. It reads thus:

"No. 21087/66/67 D/19th January 1967

Executive Engineer, P.W.D.
Gulbarga Division,
Gulbarga.

To

Sri K. R. Nadgowda,
Main Road, Yadgir,
Camp: Gulbarga.

With reference to your application dated/19th January 1967 addressed to the Superintending Engineer, Gulbarga Circle, I have to inform you as follows:—

1. The work of constructing road from Nalwar to Sonthi in mile 0/0 to 4/0 in Chitapur Taluk was entrusted to M/s. Yadgir Construction Co.

2. The work is completed physically but it is not yet finalised and the final bill is not paid.

3. The partnership deed is not available in this office hence copy not furnished.

O/C. 18/1
Executive Engineer,
P. W. D. Gulbarga Division.
Gulbagra.

Copy submitted to Superintending Engineer, Gulbarga Circle with reference to endorsement dated/19. 1. 1967 for kind information."

P. W. 5 Sri T. M. Gurusiddiah, Executive Engineer, Gulburga has stated that he did not attend his office on the whole of 19th and in his absence his Personal Assistant who is a Gazetted Officer of the rank of an Assistant Engineer, is the head of the office and the said Personal Assistant had issued a certificate in terms of Exhibit R-3. P. W. 5 stated that his Personal Assistant had no authority to issue a completion certificate and that he had called for a clarification from the said Personal Assistant for the basis on which he had issued a certificate and that the Personal Assistant had submitted his explanation on

Exhibit R. 3. The explanation called for by P. W. 5 is on Exhibit R-3 and it reads thus:

"P. A.

The basis on which this certificate is issued to be clarified.

Id/.24. 1."

The explanation by the Personal Assistant is also written on Exhibit R-3 which reads:

"Sir,

The information about the stage of the work was enquired on phone from the A. E. Chitapur on the night of 19th January 1967 who informed that the work was physically completed. Accordingly this certificate was issued.

D/- 25/1."

The positive evidence on behalf of Respondent No. 1 that the stones as per the specification in Item No. 8 to 12 of the Schedule to Exhibit P-10 were fixed, is that of P.W. 3 Gurunatha Reddi who one of the partners of the firm and was supervising the construction work of the road. P. W. 3 has admitted that it was R. W. 3 that was supervising the work on behalf of the contractors. R W. 3, Gurunatha Reddi has stated that the stones were fixed in the month of May 1965 and possession of the road was delivered to the Public Works Department in August 1966. Respondent No. 1 has no personal knowledge of the work, but, he has stated that when the partnership was dissolved on 24th December 1966 he had made enquiries with Hamdanna who was in charge of the construction works and the said Hampanna had told him that all the works taken on contract by the firm had been completed.

The evidence for the petitioner in support of his case that the contract has not been fully performed consists of P. W. 3, the Assistant Engineer, Chitpur Sub-Division P. W. 5 the Executive Engineer, Gulbarga and Exhibits P-8, P-9, P-11 and P-14. P. W. 3 the Assistant Engineer who was in charge of the works has stated that Exhibits

P-8 and P-9 which are the measurement books do not show that the kilometers, hectometer and other stones as per the specifications have been fixed and that the contractors did not do any work after 21st October 1966. He has further stated that R. W. 3 presented before him the application Exhibit P-11 for his endorsement regarding the compleition of the work and that he made his endorsement on Exhibit P-11 stating that the work was incomplete in regard to the matter of fixing stones. He further stated that on 19th night he was in his headquarters at Chitapur and that on the 20th he went to Gulbarga and he was there between 1 P.M. and 3 P.M. and had also gone to the Executive Engineer's office and met the Executive Engineer. A suggestion was made to the said witness, which he denied, that the endorsement on Exhibit P-11 was made at the instance of P.W. 5. P.W. 3 has not stated that while making the endorsement on Exhibit P-11 he had inspected the road. P.W. 5 the Executive Engineer, Gulbarga has stated that Exhibit P-11 was brought to him by Respondent No. 1 on the 20th and he issued the certificate, the copy of which is Exhibit P-14, on 20th January 1967, stating that Nalwar Sonthi road work has been completed in respect of item Nos. 1 to 7 but incomplete in respect of item Nos. 8 to 12 of the schedule to the contract. The said witness has stated that he was not aware when he issued the certificate as per Exhibit P-14, that his Personal Assistant has issued to the Petitioner on 19th January 1967 a certificate as per Exhibit R. 3 that the work was completed. He further stated that his Personal Assistant was not authorised to issue completion certificates. He admitted that when he issued Exhibit P-14 the road had been opened for public traffic and that fact was known to him. He also admitted that Exhibit R-1 had come to his notice when he issued Exhibit P-14 and that in Exhibit R-1 there is no specific mention that items Nos. 8 to 12 of the schedule to the contract were incomplete. He also admitted that the application of the petitioner to the Superintending Engineer, as per Exhibit R-4, had come to his notice, that Exhibit R-4 was sent to him by the Superintending Engineer with a covering letter as per

Exhibit R-2. The witness had admitted that he accompanied the Public Works Department Minister, Sri Veerendra Patil, to Chincholi on the 20th afternoon.

In answer to the questions put by the Court he has stated thus:

> "The certificate Exhibit P-14 was issued pursuant to the contractor's application exhibit P-11. On the said application, the Assistant Engineer submitted his remarks and sent to me. What is submitted by the Assistant Engineer on the said application does not state that any portion of the work is incomplete. On the 20th afternoon, Respondent No. 1 brought Exhibit P-11 to me. When he brought Exhibit P-11 the report of the Assistant Engineer was there. I received Exhibit P-11 in my office at Gulbarga in the afternoon on the 20th. At that time P.W.3 had also come to my office. Then I asked him that his report is not clear and he should state what is complete and what is incomplete and then he gave Exhibit C-1. Exhibit C-1 was given to me in the presence of Respondent No. 1 and then I issued the certificate."

It is thus clear from the evidence of P.W.5 that he did not hold any inspection and that his certificate Exhibit P-14 stating that the work was incomplete was based entirely on the report of P.W.3 as per Exhibit C-1. P.W.3 has not stated that in addition to his report made on Exhibit P-11, he give a separate report Exhibit C-1 nor has he stated the Respondent No. 1 was present in the Office of P.W.5 on the 20th.

Exhibit P-11 is the application of the contractors dated 18th January 1967 and it reads thus:

From

The Yadgir Construction Co.
Yadgiri.

To

The Executive Engineer,
P.W.D. Gulbarga.

Through

The Assistant Engineer,
P.W D. Chitapur.

Subject: Constg. Nalwar-Sonthi road mile No. 0/0 to 4/0.

Dear Sir,

With reference to the above, we write to report that the work has already been completed in 8/66 and has been handed over the concerned sectional officer.

We therefore request to issue us a certificate of completion of the above work satisfactorily by our firm.

Thanking you sir,

Yours faithfully,

dated 18-1-67 Sd/For Yadgir Const. Co."

The endorsement by P.W.3 on the said application reads:

"No. 2752 dated 19-1-67

Submitted to the Executive Engineer, Gulbarga Division, Gulbarga. The construction of Nalwar Sonthi road from 0/0 to 4/0 entrusted to Yadgir Construction Co., has been completed from item No. 1 to 7 of schedule of A. B.

Sd/Asst. Engineer,
P.W.D. Sub Dn. Chitapur."

R.W.3 has admitted that the endorsement on Exhibit P-11 was made by P.W.3 in his presence but P.W.5 admitted that since that endorsement was not clear, he asked P.W.3 to give a fresh report and in his presence P.W.3 wrote the report Exhibit C-1 which reads:

To

The Executive Engineer,
P.W.D. Division,
Gulbarga.

Sub: Construction of Nalwar-Sonthi road
Mile 0/0 to 4/0.

Sir,

In the above section the following items namely item No. 1 to 7 of Schedule to accompany the agreement bond had been completed, and the balance items from No. 8 to 12 are yet to be done by the Yadgir Construction Co., Yadgir.

This is for your kind information.

Yours faithfully,
(Sd.) Assistant Engineer,
Chitapur."

When the application of the contractors clearly stated that the work has been completed in August 1966 and it has been handed over to the concerned Section Officer, one would have expected P.W. 3 to write whether that statement is correct or not. The explanation of the Personal Assistant to P.W. 5 referred to earlier says that P.W. 3 had informed him on the 19th night that the work had been completed. If P.W. 3 had endorsed on Exhibit P-11 that the work was completed in respect of item Nos. 1 to 7 only, he could not have informed the Personal Assistant to P.W. No. 5 on the 19th night that the work had been

completed. R.W. 3 has stated that P.W. 3 had assured him on the 19th that he would recommend the issue of a completion certificate. P.W. 3 has written on Exhibit P-11 stating that 'the construction of Nalwar Sonthi road from 0/0 to 4/0 entrusted to the Yadgir Construction Company has been completed.' The words that follow *viz.*, 'from item Nos. 1 to 7 of Schedule A.B.' after the word 'completed' do not fit in with the tenor of that proceeds. It is quite possible that P.W 3 wrote the words 'from items 1 to 7 of Schedule A.B.' after the word 'completed' at a subsequent stage, to lend support to Exhibit P-14 prepared by P.W. 5. All that one would expect P.W. 3 to write on Exhibit P. 11 is that the work was incomplete in any respect and the certificate prayed for cannot be issued. If the road has not been delivered, he would have so stated. When I deal with the contract under Exhibit P-12, I will have occasion to refer to the presence of the P.W.D. Minister, and the Chief Engineer in Gulbarga on the 19th and 20th January 1967 and the serious attempts made by P.Ws. 2 and 4 to prevail on the Returning Officer to reject the nomination of Respondent No. 1 on the ground that he was disqualified. In the circumstances of the case, P.Ws. 3 and 5 do not appear to me as independent disinterested witnesses and I do not consider it safe to rely on their evidence.

The amount of contract as per the tendered rates for the construction of the road was Rs. 1,37,926-00. It is seen from Exhibit P-8, at page 85, that the total value of work done which was check measured before 19th October 1966 was Rs. 1,31,388-83. It is in evidence that between the execution of the work and the measurement there is some lapse of time. P.W. 3 has admitted that Exhibit R-1 was issued on 20th December 1966, after inspection of the work and perusal of the schedule to the agreement and that in Exhibit R-1 he has not mentioned that the items of works specified in item Nos. 8 to 12 of the schedule to the contract have not been done though under the contract the work had to be executed by the end of June 1963. P.W. 3 has given no reasons as to why he has not mentioned item Nos. 8 to

12 of the contract in Exhibit R-1. The explanation of the Personal Assistant to P.W. 5 that he informed the petitioner that the road work was complete on the basis of the information conveyed by P.W. 3 on the night of 19th supports the inference that when P.W. 3 issued Exhibit R-1 notice, only the items of works mentioned therein remained to be done and not items Nos. 8 to 12. R.W. 3 who was admittedly supervising the works on behalf of the contractors has stated that the work has been completed. No doubt the petitioner as P.W. 6. has stated that he has visited the road in March 1967 and subsequently and that the stones have not been fixed.

The relevant pleading in the election petition with reference to the Nalwar-Sonthi road is contained in paragraph 9 of the petition. All that the petitioner has stated therein is that the Executive Engineer, Gulbarga had issued a certificate on 20th January 1967 stating that the work has been executed satisfactorily in respect of item Nos. 1 to 7 only and that the remaining items Nos 8 to 12 are still to be executed and that though Respondent No. 1 knew that the work had not been completed and a certificate was issued to that effect, he did not disclose the same at the time of the scrutiny. There is no averment in the election petition that the petitioner had visited the road and found that the work was incomplete. Respondent No. 1 in paragraph 6 of his written statement has answered the petitioner's pleading in paragraph 9. Therein he stated that the alleged certificate of non-completion was issued by the Executive Engineer under the influence of the Public Works Department Minister Sri Veerendra Patil who had resorted to the scheme of creating false evidence and that the alleged certificate was not communicated to Respondent No. 1.

The petitioner made an application I.A. No. II for issue of a commission to inspect the two works and make a report whether they had been completed or not. That application was filed on 20th June 1967 purporting to be under Rule 7 of Order XXXIX of the Code of Civil

Procedure. Respondent No. 1 filed his objections wherein he contended that the relevant date with reference to which the question has to be determined is the date of scrutiny on 21st January 1967 and it would not be possible for any Commissioner to report the condition of the works on the said date if he holds inspection in June or July 1967. Respondent No. 1 further submitted that he apprehends that the petitioner, with the help of the Public Works Department Minister and the P.W.D. Engineers, is trying to make alterations in the work which has been completed. The Petitioner's learned counsel withdrew the application on 28th June 1967. At the time of arguments, he renewed his prayer for issue of a commission. If on issue of a commission the Commissioner reports that on the date of his visit, he found the kilometer and hectometer stones, etc., it is still open to the petitioner to urge that they have been fixed after 21st January 1967. Similarly, if the stones or not found, Respondent No. 1 may argue that the contractors had completed the works and delivered possession long ago and subsequently the petitioner with the aid of the P.W.D. Engineers has removed the said stones. The

The question whether the contract was fully performed by the contractors before 21st January 1967 can be decided on the evidence on record and no commissioner who holds local inspection now can say whether or not the stones had been fixed before possession of the road was delivered and therefore I reject the oral application made by the learned counsel for the petitioner.

In my opinion the reasonable inference to be drawn from the fact that the road has been opened to traffic after taking possession and that the items of works mentioned in Exhibit R-1 were completed before the end of December 1966 is that the contractor has fully performed the road contract work before 21st January 1967.

The other contract alleged to be subsisting is the contract under Exhibit P-12 for construction of a dispensary building for the primary Health Centre at Wadagara. Though Exhibit P-12 was executed on 23rd February 1966

the work had been entrusted to the Yadgir Construction Company early in 1964. The amount of the said contract as per the tendered rates is Rs. 43,382. The time for completion of the contract was six months from the date of 'mark out'. It is seen from the programme of work attached to Exhibit P-12 that the date of 'mark out' was 5th February 1964. The contract also contains a schedule giving the specifications, quantities of work and rates. The general conditions of the contract have been printed but the special conditions have been typed and attached to the agreement.

Exhibit P-22 is the measurement Book pertaining to the said work which was issued on 3rd December 1963. Exhibit P-12 contains a plan of the building. The date of the first measurement was 3rd March 1964. The last measurement was on 27th October 1966 which was check measured on 25th March 1967. The contention of Respondent No. 1 was that the building work was completed before October 1966 and possession was delivered in December 1966 and it has been occupied by the Primary Health Unit and that the dispensary is actually being run there. Clause (3) of general conditions of the contract provides for control of the work by the Engineer appointed by the Government of Mysore in the course of the construction. The said clause reads.—

"3. The works are to be conducted under the sole control and directions of the Engineer appointed by the Government of Mysore and the whole of the materials are to be of the best description of their respective kinds, and the workmanship is to be executed in the best and most workman like-manner, everything necessary being provided by the contractor, so that the work may be left complete and perfect at its conclusion to the entire satisfaction of the Executive Engineer, who shall have power to reject any materials or labour during the progress of the work which he

CONTROL OF THE WORK.

may deem unsuitable, or to dismiss any person in the contractor's employ of whom he may disapprove, and the contractor is to supply such other as shall meet the Executive Engineer's approbation."

Clause (15) of the special conditions also provides for actual control in the course of construction. From clauses (5) and (13) of Exhibit P-12, it is seen that the Executive Engineer has to certify that the whole work has been completed to his satisfaction and the period of maintenance of 12 months during which the contractor has to maintain the works commences from the date of certification by the Executive Engineer. The building work is situated within the jurisdiction of the Executive Engineer, Yadgir. P. W. 4 Sri V. L. N. Chetty was the Executive Engineer, Yadgir from April 1966 to June 1967. On 18th January 1967 P. W. 4 on the application of the contractors issued a completion certificate Exhibit P-1 is the copy of the said certificate which reads thus:—

"No. 25036 Dated: 18-1-67.

CERTIFICATE.

(Seal).

This is to certify that M/s. The Yadgiri Construction Company, Yadagiri have completed the works entrusted to them and that they have not renewed Registration for the year 1966-67.

Sd .....
18-1-1967
Executive Engineer,
Yadgiri Division"

On 20th January 1967, P. W. 4 gave in person a letter to the Returning Officer stating that the Wadagara building construction which he had inspected on that date was incomplete. That letter is Exhibit P-13. It was presented before the Returning Officer at 5-45 P. M. on 20th January

1967. The date of scrutiny of nominations is 21st January 1967. Items of work said to be incomplete in Exhibit P–13 are stated in the earlier portion of this judgement. Exhibit P–13 states that P. W. 4 had issued a certificate on 18th January 1967 based on the report of the Assistant Engineer obtained on phone, but the said certificate was withdrawn and that after personal inspection it has been brought to his notice that the items mentioned in the said letter were not complete. The circumstances under which P. W. 4 purported to withdrawn Exhibit P–1 and presented Exhibit P–13 to the Returning Officer have been stated by him in his evidence. It is not the case of the Petitioner that P. W. 4 had issued the completion certificate Exhibit P–1 on any misrepresentation or fraud practised by the contractors or Respondent No. 1. The evidence of P. W. 4 is that the Petitioner had given an application to the Chief Engineer alleging that the Wadagara Dispensary building work had not been completed and that application was endorsed to him by the Superintending Engineer., and that he inspected the said works on 20th January 1967 and submitted his report Exhibit P–13 to the Returning Officer as directed by the Superintending Engineer.

The question that arises is whether P. W. 4 had the power to revoke the completion certificate exhibit P–1 in the absence of any case of mis-representation or fraud practised by the contractors. The contract Exhibit P–12 provides that the work has to be completed to the satisfaction of the Executive Engineer. In answer to a court question, P. W. 4 has stated that he had issued the original of Exhibit P–1 after satisfying himself from the report of the Assistant Engineer, Shahapur on the phone that the work was complete and that he made a record of the report of the Assistant Engineer on the application of the contractors. The law is that if a person empowered by the parties to a works contract to determine when it is completed to his satisfaction, exercises the power conferred upon him he exhausts such power, and an attempted exercise of the power thereafter is not binding upon the parties. (*Vide* Vol 9 AMERICAN JURISPRUDENCE page 25 paragraph 35). At page 25 of the same volume, it is stated

that where the contract provides that the work shall be done to the satisfaction, approval, or acceptance of an architect or engineer, such architect or Engineer is thereby constituted sole arbitrator between the parties, and the parties are bound by his decision.

In HALSBURY'S LAWS OF ENGLAND, THIRD EDITION, Volume 3, page 466, it is stated.—

> "If a valid final certificate is once given, the architect or engineer cannot, unless the contract so provided, withdraw it for the purpose of correcting incorrect statements of fact or of value contained in it, though if the certificate is invalid he can make another.
>
> Again, if the certificate is based on erroneous reports by an agent of the employer, and not on any fraud of the contractor, it is conclusive against the employer."

In HUDSON'S BUILDING AND ENGINEERING CONTRACTS, Ninth Edition, at page 373, there is the following statement by Lord Esher, M. R. in MDDONALD V. MAYOR OF WORKINGTON.

> "Where a surveyor is put into that position to give a certificate, I do not say that he is an arbitrator, but he is an independent person. His duty is to give the certificate according to his own conscience and according to what he conceives to be the right and truth as to the work done, and for that purpose he has no right to obey any order or any suggestion by these people who are called his masters; for that purpose they are not his masters."

In EMDEN AND WATSON'S BUILDING CONTRACTS AND PRACTICE (sixth edition) at page 142, it is stated:

"WITHDRAWAL.—If a certificate is once given and is valid, the architect or engineer cannot, unless so provided

in the contract, withdraw it for the purpose of correcting statements of facts or of value contained in it, although if the certificate is invalid he can make another.

Again, if a certificate is based on erroneous reports by an agent of the employer and not on any fraud of the contractor, it is conclusive against the employer."

The learned counsel for the petitioner has not placed before me any authority to support the action of P.W. 4 in withdrawing the completion certificate. The reason given by P.W. 4 in Exhibit P-13 and also in his evidence before Court for withdrawal of Exhibit P-1 is that though he issued the completion certificate after satisfying himself that the work was complete after enquiry on phone from the concerned Assistant Engineer, he under the directions of the Superintending Engineer, inspected the building and found that certain items were incomplete. Under the terms of Exhibit P-12, the work had to be executed to the satisfaction of the Executive Engineer. After the Executive Engineer had issued a completion certificate, P.W. 2 had no power to direct P.W. 4 to hold inspection and withdraw the completion certificate issued earlier. In view of my decision that P.W. 4 had no power to withdraw Ext. P-1, and Ext. P-13 was ultra vires of his powers, it has to be held on the basis of Exhibit P-1 that the contractors have performed their part of the contract.

Since the parties have adduced considerable evidence, I will deal with the question whether in fact the contractors have fully performed their part of the contract. On a consideration of the entire evidence on record I am satisfied that the contractors have substantially performed their part of the contract.—

"In the case of a building contract, it is next to impossible for a builder to comply literally with all the minute specifications in a building contract and the parties are presumed to have impliedly agreed to do what is reasonable under all the circumstances with reference to the

subject of performance. Therefore the rule of 'substantial performance' applies to a building contract While it is difficult to state what the term substantial perf rmance' as applied to building and construction contracts means, it seems that there is substantial performance of such a contract where all the essentials necessary to the full accomplishment of the purposes for which the thing contracted for has been constructed are performed with such an approximation to complete performance that the owner obtains substantially what is called for by the contract. Imperfections in the matter of detail which do not constitute a deviation from the general plan contemplated for the work and do not enter into the substance of the contract, do not prevent the performance from being regarded as substantial performance."

(*Vide* AMERICAL JURISPRUDENCE—Vol. 9 Para 42 page 31).

Regarding the effect of the substantial compliance of the contract, this is what is stated in HALSBURY'S LAWS OF ENGLAND—THIRD edition—Vol. 3 Para 835:

> "It would seem, however that the rule in the case of building contracts is similar to that in the case of specific performance, which is, that such non-essential and trivial defects on the side of one party as can be compensated for will not excuse the other party to the contract. In every case it must be a matter of degree and depends on whether the defects or omissions amount only to a negligent performance of the contract and not to an abandonment of or failure to complete it; thus the omission of a lock on a door in a large mansion, or the omission to put some zinc on the flat roof of an annexe, might not amount to non-completion, while omission to put down the floors in a house certainly would do so.

The question of completion is one of fact, and if it is found that the contract has in fact been performed, the contractor would be entitled to recover the contract price, subject to deduction for the reasonable cost of making the work perfect."

At para 866 of the same volume it is further stated:

"Where the question is one of the conformity of the work to the contract and the failure in complete performance is very slight, acceptance may be inferred if the employer has, coupled with the use and occupation of the work, used any language or done any act from which acquiescence on his part might reasonably be inferred."

On the question of substantial performance, GAJRIA in his LAW RELATING TO BUILDING AND ENGINEERING CONTRACTS IN INDIA (First Edition), at page 167 states:

"The test to be applied in such cases is whether 'the work was finished' or 'done' in the ordinary sense even though part of it is defective. It is not possible to attempt percentage guide to the degree of completion required before it can be said to be substantial, but it is interesting to note that Somervell L. J. in HOENIG v. ISSACS thought the case 'near border line'. Substantial completion is a question of fact although there must be evidence upon which the tribunal of fact can find If it is found that the contract has in fact been performed the contractor would be entitled to recover the contract price, subject to deduction for the reasonable cost of making the work perfect.

It, therefore, follows that when the work, under the contract, has been 'substantially' completed, but some items of work are defective, the employer is not entitled to withhold payment for the work

actually done by the contractor on the ground that it is has been rejected by him as not being according to specification and other terms of the contract. His remedy is to pay for the defective work at reduced rates according to the nature and extent of defects."

The amount of contract as per tendered rates as mentioned in Exhibit P-12 is Rs. 45,382 and the amount of work for which tender was called as per estimated rates is Rs. 38,000. The value of work done and which was measured before 20th October 1963 was Rs. 41,540-88 as seen from Exhibit P-22 the measurement book.

The first item stated to be incomplete according to Exhibit P-13 is that 'welded mesh for the front waiting and to the rear opening is not provided'. This work according to the learned counsel for the petitioner is provided under Item No. 27 of the schedule to the contract Exhibit P-12. The item in Exhibit P-12 reads:

"27. Providing and fixing, welded mesh of aproved guage and opening of crib with mesh with teak wood baton 2" x $\frac{1}{2}$ to teak wood frame of 2" x 3" size including cost of materials, labour, lead etc., complete."

Item No. 27 of the schedule to Exhibit P-12 does not provide for fixing any welded mesh to the front waiting room and to the rear opening. What the contract provides for is the fixation of welded mesh to the crib for dispensing medicines. Therefore, Item No. 1 in Exhibit P-13 is not a work required to be done under Exhibit P-12.

The 4th item in Exhibit P-13 is that a compound wall about 30 feet long for the quadrangular open yard had not been constructed. Exhibit P-12 does not expressely require the contractors to build a compound wall. The building plan given in Exhibit P-22 also does not show that the contractor is required to construct a compound wall. P. W 4 and P. W. 7 have admitted that Exhibit P-12 does not expressely provide for the construction of a compound wall. According to P. W. 4 a compound wall

has to be inferred from item Nos. 1,2,3,7,8, 22 and 23 and 24 of the schedule to Exhibit P-12 The said items give the specifications for excavations and construction of walls for the building and also the rates. It is not possible to infer from Exhibit P-12 read with the plan that the contractor is required to construct a compound wall. Item No. 2 is the Superintending Engineer has explained this item to mean that the windows and doors of some rooms have not been given the second coat of paint. Fifth item is that the white washing is incomplete in the ward and doctor's room in the right wing. Seventh item is that the polished Shahabad flooring in the left wing near varandah requires to be redone and rectified. The 8th item is that the flooring is incomplete in the store room in the right wing. P. W. 7 who was the Assistant Engineer, Shahapur from May 1964 till May 1967 and who was supervising the construction has stated that between 19th October 1966 the date of his last inspection prior to the date of scrutiny, and his next inspection for check measurement on 6th March 1967 the flooring of the building was complete and the other works completed between those dates were white washing, colour washing and painting doors and windows. Therefore from the evidence of P. W. 7 item Nos. 2, 5, 7, and 8 said to be incomplete were completed at any rate before 6th March 1967. In his chief examination P. W. 7 has stated that his duty is to supervise as well as to check measure and that on 6th March 1967 the building was at the same stage of completion as on 18th January 1967. Therefore according to P.W. 7 item Nos. 2, 5, 7 and 8 in Exhibit P-13 had been completed to his satisfaction before 18th January 1967. No doubt in his cross examination he has stated that the aforesaid items were in progress on 18th January 196 which is contrary to what he has stated in his examination in chief. It is also seen from Exhibit P-12 that these items have been check measured and approved and payment has been made to the contractors.

Item No 3 said to be incomplete is that some of the fittings and fixers to the doors and windows are not oxidised iron ones. It is not the case of P. W. 4 that the

work has not been done, but it is defective. I have already referred to clause (3) of the general conditions of the agreement which gives control of the work during its progress, to the Executive Engineer and his subordinates. Item Nos. 9 and 10 of the schedule to Exhibit P-12 provides for teak wood doors and windows with oxidised iron fittings. Exhibit P-22 shows that the teak wood doors and windows with the fittings have been approved and the contractors have been paid at the contracted rates. Therefore, it is not open to P. W 4 to say that the fittings and fixtures are not in accordance with the specifications.

Item No. 7 said to be incomplete *viz*, that the polished Shahabad flooring in the left wing rear verandah requires to be redone and rectified has also been approved and paid for as seen from Exhibit P-22. The remaining items said to be incomplete as stated in Exhibit P-13 are:

"(vi) the site clearance is not attended,

(ix) the building is not yet handed over to the Department, and

(x) that the final measurements are not recorded and work not accepted by the Department."

That the work is not accepted by the Department is not correct. From time to time there was check measurement of the works done and payments have been made after approval by the Executive Engineer. Site clearance is provided under clause (19) of the general conditions of the agreement which provides that the contractor shall remove from site of the work before it is handed over to the Executive Engineer, all things that he may order to be removed. Site clearance is required to be made before delivery of possession. Even according to P. Ws. 4 and 7 part of the building has been occupied by the Primary Health Unit in December 1966.

According to the evidence of R. Ws 3 and 6 possession of the entire building had been delivered in December 1966. P. W. 4 has admitted in his cross-examination that he is aware of the provisions in the Public Works Code that

possession of the building can be taken only after the building is complete. P. W. 7 has admitted in his cross examination that the normal practice in the case of a building contract is that the supervisor on behalf of the Department takes delivery. The building was got constructed by the Public Works Department for the Primary Health Unit. Where the work is entrusted by the Public Works Department to the contractor, the Public Works Department takes delivery of possession and then has to hand over possession to the Health Department P. W. 7 has stated that P.W. 4 had given him written instructions to occupy a portion of the building. No such document has been produced in this case. The contract Exhibit P-12 provides for delivery of the entire building after completion of the work and not delivery of a portion of the building. The evidence of P. Ws. 4 and 7 that possession of a part only of the building was taken cannot be accepted.

Respondent No. 1 in paragraphs (2) and (6) of his written statement has alleged that Sri Veerendra Patil, the Minister for Public Works Department is very much interested in the petitioner and has made the election of the petitioner an issue of his personal prestige and that the said Minister was instrumental in managing through the officers of his Department to revoke the completion certificate Exhibit P-1 and further to issue a certificate in respect of the Nalwar Sonthi road that the work was incomplete.

The petitioner was a congress candidate. Respondent No. 1 was supported by all the opposition parties and he defeated the petitioner by a margin of 4,300 and odd votes. Respondent No. 1 as R. W. 6 has stated that the Congress Party in the last three general elections has lost the Yadgir seat and that constituency has always returned an opposition candidate, that Respondent No. 1 was believed to be a strong opposition candidate and that the Public Works Department Minister had tried has best to disqualify him at the stage of scrutiny.

I do not propose to deal with this aspect of the case in detail. There is evidence on record to which I shall presently refer which probabilises the contention of Respondent

No. 1 that P. Ws. 2, 3, 4, 5, and 7 under the pressure from above did everything in their power to see that Respondent No. 1 is disqualified under Section 9-A of the Act. Sri Veerendra Patil. Public Works Minister visited Yadgir on 18th January 1967 and he addressed a public meeting at 3 P.M. on that day supporting the candidature of the petitioner. This is admitted by P. W. 4. At 5 P.M. on the same day there was a public meeting held at Yadgir of the opposition parties and they decided to support Respondent No. 1. P. W. 4 has stated that the completion certificate Ext. P-1 had been issued to the contractors before 4 P.M. on 18th and on that evening he was called to Gulbarga. P. W. 4 has also admitted that the P. W. D. Minister was touring Gulbarga on 19th and 20th January 1967 and that the Chief Engineer, Sri Basavanna, was also camping at Gulbarga on those dates. R.W. 2 has stated that the Chief Engineer Basavanna is related to the P. W. D. Minister Veerendra Patil through Chandrashekhara Patil. The Minister Sri Patil filed his nomination on the 18th January 1967 for the Chincholi seat. On the 19th the Petitioner came to know that Exhibit P-1 had been issued in respect of the building contract and that Exhibit R-3 had been issued in respect of the road contract on 19th January 1967. Therefore the petitioner filed an application to the Chief Engineer on the 19th at Gulbarga regarding the completion of the contracts undertaken by the Yadgir Construction Company. According to P. W. 2 the Superintending Engineer, the application of the petitioner was endorsed to him with a direction to go and hold inspection and when that endorsement was made, the election petitioner was with the Chief Engineer and therefore on the next day, *i.e.*, on 20th January 1967 P. W. 2 went to Wadagara *via* Yadgir taking P. W. 4 and the Assistant Engineer, Yadgir on his way. P.W. 2 has stated that he made no record of his inspection but from memory he enumerated the details of the works that were incomplete. On the 19th at 9 P.M. P. W. 2 issued a note Exhibit R-2 to P. W. 4. I have already referred to the contents of the said document Exhibit R-2 in the earlier part of this judgment. After P. W. 2 was directed by the Chief Engineer to go and

inspect the works entrusted to Yadgir Construction Company, I fail to understand why he should have called for information from P.W. 4 as per Exhibit R-2 on 19th night. P. W. 2 further stated that on the forenoon of 20th he left Gulbarga and went to Yadgir and he took P. W. 4 and the Assistant Engineer, Yadgir and proceeded to Wadagera and he directed P. W. 4 to make a report to the Returning Officer that the work was not complete. On the 20th morning, even before proceeding to Yadgir, P. W. 4 revoked the completion certificate Exhibit P-1 and issued Exhibit P-16. Exhibit P-16 reads thus:

"No. 25322

Office of the Executive Engineer, PWD,
Yadgiri Division, Dt. 20th January 1967.

To

M/s. Yadgiri Construction Co.,
Yadgiri.

Dear Sirs,

Sub: Issue of certificate.

Ref: Your letter dated 17th January 1967.

With reference to your letter cited above, a certificate regarding completion of works No. 250 6 dated 18th January 1967 was issued based on the reports of the Assistant Engineers on phone but on verification, it is learnt that certain finishing items are not fully attended in respect of Dispensary Building of Public Health Unit at Wadgera, Taluka Shahapur. The above certificate dated 18th January 1967 should be therefore treated as withdrawn till a fresh certificate is issued after personal inspection by the undersigned.

Yours faithfully,

(Sd/-) Ex. Engineer, P W D.,
Yadgiri Divn."

P. W. 4 does not mention how he learnt even before inspection that the building was incomplete. On the 20th evening P. W 4 went to the office of the Returning Officer at Yadgir and submitted in person the letter Exhibit P 13 marked as 'confidential'. The said letter states that the completion certificate which was issued on 18th January 1967 was based on the report of the Assistant Engineer obtained on phone, but the said certificate was withdrawn as per Exhibit P 16 and that on personal inspection he has found that the building was incomplete. The office of the Yadgir Construction Company was in Yadgir town. If P W , 2 and 4 wanted to hold any inspection and withdraw the completion certificate granted earlier, fairness required that notice should have been given to the contractors and inspection should have been done in their presence. Without giving any such notice, P. Ws. 2 and 4 held inspection and P. W. 4 under the direction of P. W. 2 went and submitted a 'confidential' Official letter to the Returning Officer stating that the work is incomplete and that the earlier certificate had been withdrawn. P W. 4 stated in his cross examination that he was in the office of the Returning Officer for about 15 minutes. that Exhibit P 13 was marked 'confidential' because he felt that if it was so marked, it will carry weight and that he wanted that the Returning Officer should not act on Exhibit P-1.

By the time Exhibit P 13 was presented by P. W. 4 to the Returning Officer, the nomination of Respondent No. 1 had been filed and the scrutiny was to be held on the next day. The Returning Officer while considering the objections to the nominations of candidates acts as a quasi judicial authority. It was open to P. W. 4 to furnish any information to the petitioner but his conduct in personally going to the office of the Returning Officer and giving a letter marked 'confidential' with the sole object of influencing the decision of the Returning Officer to disqualify Respondent No. 1 was highly improper.

R. Ws. 4 and 6 have stated that apprehending that the Public Works Department Minister Sri Patil was attempting to influence the Returning Officer through the

P.W. D. Engineers to reject the nomination of Respondent No. 1, Respondent No. 1 had sent telegrams on the morning of the 21st to the Election Commission, Chief Electoral Officer and the Returning Officer, etc. Exhibit R-8 is the copy of the telegram sent to the Returning Officer and that telegram reads:

"Class 0 Time 1000

Words chargeable 31 actual 32 amount charged 3/10

No. 1/3 date 21/1

Name: Returning Officer,
Assistant Commissioner,
Yadgiri.

YOUR CLOSE DOOR MEETINGS WITH CONGRESS CANDIDATE AND EXECUTIVE ENGINEER CREATING SUSPICION OF YOUR BONAFIDES. ELECTION COMMISSIONER INFORMED. REQUEST FAIR DEAL IN SCRUTINY.

VISWANATHA REDDY
CANDIDATE."

I do not think that P. Ws. 2 and 4 would have acted in the manner they did without some strong force operating from above.

P. W. 5, Executive Engineer, Gulbarga has also admitted that he accompanied the P. W. D. Minister Sri Patil to Chincholi on the 20th January 1967. P W. 4 has admitted that the Minister had no official tour programme and that he had come only in connection with the electioneering work; when the Minister was camping at Gulbarga, the Chief Engineer was also camping there. The evidence of Respondent No. 1 that he set up one Sri Desai an Advocate to oppose Minister Sri Patil in the last elections has not been disputed.

The learned counsel for the petitioner in the course of his reply advanced an argument that even assuming that the contractors had completed the construction of the

wadagara dispensary building and the completion certificate issued by p. w. 4 is not revocable, the contract continues to subsist until the expiry of the period of maintenance; the argument was that under the defects and maintenance clause in Exhibit P-12, the contractors are under an obligation to rectify any defects noticed during the period of maintenance. The learned counsel relied on clause (13) read with the second part of clause (5) of the agreement Exhibit P-12. The maintenance period provided by clause (5) of the agreement is 12 months after the Executive Engineer has certified that the whole work has been completed to his satisfaction. Clause (13) provides that the amount of 2½ per cent deposited by the contractor on the full estimated value of the contract at the time of acceptance of his tender will be refunded after the expiry of period of responsibility provided that no derangement of the works or failure has taken place within the said period and if within the period of maintenance any derangement or failure occurs, the same must be made good at the contractors expense, to the satisfaction of the Executive Engineer before the reserved amount in deposit is refunded. On the basis of the said term in the agreement, it was argued that clause (13) is in the nature of a guarantee clause under which the contractor is under an obligation to rectify any defects occurring during the period of maintenance and until that obligation is discharged, it cannot be said that the contractor has fully performed his part of the contract. The learned counsel placed considerable reliance on the decision of the Supreme Court in Chaturbhuj Vithaldas Jasani *v.* Moreshwar Parashram and others (2). In the said case Moolji Sicka and Company had contracted to supply beedies to the Defence Establishments of the Government of India and under the said contract the firm had agreed to replace the stocks of beedies if the old stocks were not sold. One of the partners of Moolji Sicka and Company was a candidate for election and on the date of scrutiny the firm had supplied beedies in accordance with the terms of the contract but the period of guarantee during which time they were under an obligation to replace stocks had not expired and the firm had not been paid the value of

(2) [illegible] S.C.J. R. 301.

the goods It was argued in the said case that since Moolji Sicka and Company had fully executed their part of the contract before the relevant dates, the disqualification would not apply. Dealing with the said argument, this is what the Supreme Court observed :

> "It was argued that, assuming that to be the case, then there were no longer any contracts for the 'supply of goods' in existence but only an obligation arising under the guarantee clause. We are unable to accept such a narrow construction. This term of the contract, whatever the parties may have chosen to call it, was a term in a contract for the supply of goods. When a contract consists of a number of terms and conditions, each condition does not form a separate contract but it is an item in the one contract of which it is a part. The consideration for each condition in a case like this is the consideration for the contract taken as a whole It is not split up into several considerations apportioned between each term separately. But quite apart from that the obligation, even under this term, was to supply fresh stocks for these three depots in exchange for the stocks which were returned and so even when regarded from that narrow angle it would be a contract for the supply of goods. It is true they are replacements but a contract to replace goods is still one for the supply of the goods which are sent as replacements.
>
> But even if all that be disregarded and it be assumed that Moolji Sicka and Company had fully performed their part of the contract by placing the goods on rails before 15th November 1951, we are of opinion that the contracts were not at an end until the vendors were paid and the contracts were fully discharged. The words of the section are 'if .....he has any share or interest in a contract for the supply of goods

to .....the appropriate Government'. There can be no doubt that these various transactions were contracts and there can equally be no doubt that they were contracts for the supply of goods. Whether they were contracts for the supply of goods to the Government is a matter which we shall deal with presently. But we have no doubt that they were contracts for the supply of goods. The question then is, does a contract for the supply of goods terminate when the goods are supplied or does it continue in being till payment is made and the contract is fully discharged by performance on both sides....

.....

x x x x x x x x x

.....In any case, as we are not bound by the D.C.P.A and authority of those cases, even assuming they go that far, we prefer to hold that a contract continues in being till it is fully discharged by both sides, see the observations of Gibbon J. in O' CARROLL *v.* HASTINGS (9105 2 I. R 590 at 603)"

The Supreme Court in the above decision has merely restated the general rule of the law of contract which is to the effect that a contract is not discharged by one of the parties alone performing his obligation but both parties should perform their obligations. The Supreme Court has further laid down that an obligation under a guarantee clause in a contract is also a term of the contract and a contract subsists until it is fully discharged by both the parties. After the decision of the Supreme Court, the Act has been amended to narrow down the scope of disqualification arising by reason of Government contracts. The explanation to Section 9-A of the Act was not in the statute book when the Supreme Court rendered the above decision. By virtue of the explanation to Section 9-A introduced by the amending Act of 1966, a contract is deemed not to subsist where the contract has been fully performed by the

contractor although under the general law of contract the contract subsists. In view of the material alteration of the law concerning disqualification arising out of Government contracts the decision of the Supreme Court relied on by the learned counsel for the petitioner cannot be invoked to the aid of the petitioner in the instant case.

The crucial question for decision is whether the contract has been fully performed by the contractors so as to come within the scope of explanation to Section 9-A of the Act.

What is meant by performance ? The answer is that as a general rule the law does not regard a promissor as discharged unless he has completely and precisely preformed the exact thing that he agreed to do. In the case of a building contract, as stated in the earlier part of the judgment, it is next to impossible for a builder to comply literally with all the minute specifications in a building contract and the parties are presumed to have impliedly agreed to do what is reasonable under all the circumstances with reference to the subject of performance and therefore where the contractor substantialy performs the execution of the workshe is said to have performed his part of the contract. The tdoctrine of 'substantial performance' is a well known exception to the general rule that the law does not regard a promiseor as discharged unless he has completely and precisely performed the exact thing that he agreed to do. I have found on the basis of material on record that the contractors have substantiallly performed the execution of the works undertaken under the contracts. Therefore the contracts have been fully performed by them.

The defects and maintenance clause in Exhibit P-12 is one of the usual terms found in any Public works contract under which the contractor undertakes to rectify the defects discovered within the period of maintenance. The obligation of the contractor under the defects and maintenance clause is limited to anything arising from defective construction. The obligations arises only in the event of discovery of a defect during the maintenance period but not otherwise.

If the contractor has executed the work in accordance with the contract. There will be no obligation on him under the defects and maintenance clause but where he does not execute the work in accordance with the contract and consequently defects are discovered during the maintenance period, he is under an obligation to rectify the defects and if he does not do so he cannot claim the amount of 2½ per cent deposited by him with the Government at the stage of acceptance of his tender. Under the defects and maintenance clause the contractors can claim refund of the deposit amount only after the expiry of the maintenance period and if there are defects discovered during that period, they could claim that refund provided they rectify the defects. The obligation under the defects and maintenance clause arises out of performance of the contract by the contractors. If the contract is not performed by the contractors, there is no question of any obligation arising under the defects and maintenance clause. The obligation under defects and maintenance clause is similar to the guarantee given by the sellers of watches, refrigirators etc. Where a contractor supplies refrigirators to the Government and the Government accepts them, can it be said that the contractor has not performed the contract of supplying the refrigirators until the guarantee period expires? Similarly in a building contract where the contractor completes the building to the satisfaction of the Executive Engineer and the Government takes delivery of the building, it cannot be said that the contractor has not performed the contract notwithstanding the fact that the period of maintenance has not expired. In that view, the last contention urged by the learned counsel for the petitioner is not tenable.

My finding on issue No 1 is that on the date of the scrutiny of nominations, there was no subsisting contract entered into by the Yadgir Construction Company, Yadgir in the course of its trade or business with the State of Mysore and in view of the said finding. Respondent No.1 is not disqualified to be chosen as member of the Mysore Legislative Assembly.

Respondent No.2 is the Returning Officer and he was represented by the learned Government pleader. There is no allegation against the Returning Officer and he has not filed any written statement. He also did not lead any evidence. The learned Government pleader however urged that Respondent No. 2 has been unnecessarily impleaded and that he should be awarded his costs. The petitioner has not alleged why Respondent No. 2 is a necessary party to the election petition. In my opinion. Respondent No.2 was an unnecessary party.

In the result this Election petition falls and is dismissed with costs. Advocate's fee for Respondent No. 1 is fixed at Rs. 1000/-and for Respondent No. 2 at Rs. 250/-.

Sd/ G. K. GOVINDA BHAT,

Election Judge.
15. 9. 1967.

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 31st October, 1967.

NOTIFICATION.

No. 82/MY/5/67.—In pursuance of Section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order pronounced on the 10th August 1967, by the High Court of Mysore at Bangalore in Election Petition No. 5 of 1967.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the 10th day of August, 1967.

Before

THE HON'BLE MR. JUSTICE G. K. GOVINDA BHAT.

Election Petition No. 5 of 1967.

Sri Ganji Veerappa
Son of Basappa, age 53 years,
Advocate, Davangere,
District Chitradurga.
(By Sri V S. Malimath,
Sri B. K. Ramachandra Rao and
Sri K. S. Vasudeva Murthy) ... *Petitioner.*

Vs.

Sri H. Siddaveerappa,
Son of Gurusiddappa,
age about 62 years, Advocate,

P. J. Extension, Davangere,
District Chitradurga.
(By Sri K. R. Karanth and
Sri K. R. D. Karanth) .... *Respondent.*

Election Petition filed by the Petitioner under section 81, of the Representation of the People Act, 1951, challenging the election of the Respondent to the Mysore Legislative Assembly from No. 38, Harihar constituency in the Central Election held in February 1967 and seeking an order that the election of the Respondent as member of the Mysore Legislative Assembly from the Harihar Constituency in respect of the 1967 General Election be declared void and further be declared the petitioner is duly elected as member of the Mysore Legislative Assembly from the Harihar Constituency in respect of the 1967 General Elections and to award costs of this petition.

This Election Petition coming on for trail on Monday the 24th, Tuesday the 25th, Wednesday the 26th, Thursday the 27th, Friday the 28th, Monday the 31st days of July, Tuesday the 1st, Wednesday the 2nd, Thursday the 3rd, days of August 1967 in the presence of Sri V. S. Malimath, Sri B. K. Ramachandra Rao and Sri K. S. Vasudevamurthy, Advocates for the petitioner and Sri K. R. Karanth, and Sri K. R. D. Karanth Advocate for the Respondent and this Election Petition having stood over for consideration, the Court made the following order this Thursday 10th day of August 1967.

ORDER

In the election to the Mysore Legislative Assembly from No. 38 Harihar Assembly Constituency held in February 1967 the petitioner and the Respondent were the two candidates who contested the seat; the petitioner was a Congress candidate and the Respondent was a Janatha Paksha Candidate. The poll was held on February 19th; the counting of votes took place at the Town Municipal Hall, Davangere on the 21st and 22nd February and the

Returning Officer declared that the Respondent has been duly elected to fill the seat. According to the return of election in Form No. 21, the votes secured by the petitioner and the Respondent were 22,097 and 22,601 respectively. 2,172 votes were rejected as invalid.

On April 5, 1967 the petitioner filed the above Election petition claiming a declaration that the election of the Respondent the returned candidate be declared as void and that he himself has been duly elected. The petitioner has stated that he has received a majority of valid votes and the Respondent has been declare as elected as a result of improperly conducted counting and therefore he has prayed for scrutiny and recount of all the ballot papers.

In the Election Petition, the Petitioner after describing the procedure of counting followed, has alleged that the Returning Officer during the counting attended to only general supervision and that the Assistant Returning Officers were content with the scrutiny of the 'doubtful' ballot paper bundles sent by the Counting supervisors and they did not scrutinise the valid ballot papers bundles sent by the Counting Supervisors and all that they did was to pick one or two bundles of 50 ballot papers and merely count their number while doing the test checking and they did not scrutinise the ballot papers contained in the said bundles to find out if they contained invalid ballot papers or ballot papers belonging to the wrong candidate. The petitioner has further alleged that his counting agents were denied the opportunity to examine the ballot papers before they were counted and their objections were not headed to by the Counting Supervisors who while sorting the ballot papers put in the tray of the Respondent as many as 1,651 invalid ballot papers despite objections. The Petitioner also alleged that his counting agents requested the Assistant Returning Officers after the completion of the counting, to scrutinise all the ballot papers and thereafter declare the result, but the said request was rejected on the ground that the valid ballot paper bundles had already been scrutinised by the counting Supervisors.

The Petitioner has urged the following grounds for inspection, scrutiny and recount :

(1) that on all the ballot papers were printed serial Numbers which amounts to putting a mark by which an elector can be identified and consequently all the ballot papers ought to have been rejected under Rule 56(2) (a) of the Conduct of Election Rules, 1961, hereinafter called the 'Rules',

(2) that all the ballot papers polled at Polling Station No. 5, Guttur, numbering 643 should have been rejected under Rule 56(2)(h) since they did not bear the seal which they should have borne under the provisions of Rule 38(1),

(3) that the Assistant Returning Officers, have improperly rejected about 550 ballot papers which ought to have been accepted as valid votes in favour of the petitioner, and,

(4) That the counting agents of the Petitioner were denied the opportunity to examine the ballot papers before they were counted and their objections were not considered at all by the Counting Supervisors who had put in the Respondent's tray 1,651 invalid ballot papers and that the Assistant Returning Officers have improperly accepted the said ballot papers in favour of the Respondent.

The Respondent by his written statement denied the allegations alleging irregularity in the count and scrutiny of votes and in regard to the ballot papers polled at Polling Station No. 5, Guttur, he contended that if the ballot papers did not bear the seal or mark as required under Rule 38(1), it was the mistake of the presiding officer or the polling Officer. The Respondent submitted that the Election Petition has been filed at the instance of the election Petitioner's friend the Hon'ble Sri S. Nijalingappa, the Chief Minister of Mysore, who has been on inimical terms with the Respondent for the past several years, and that the Chief Minister got transferred many officers to the Harihar Assembly constituency on the eve of the

election in order to help the petitioner and that the Returning Officers, the Assistant Returning Officers, Counting Supervisors and Counting Assistants were generally favouring the petitioner as against the Respondent. He has further submitted that after the declaration of the result was made and the Respondent was given a certificate of election by the Returning Officer, he and his counting agents left the counting hall before the ballot papers were properly sealed and that he suspects that taking advantage of the situation, the Returning Officer and other concerned with the ballot papers may have tempered with the ballot papers. The Respondent has claimed that in the event of this Court ordering recount, then recount in respect of all the ballot papers concerned in the election may be ordered and he has submitted that the averments made in paragraphs 2, 4 and 5 of his written statement may be treated as a recrimination.

On the pleadings, the following issues were settled on June 30, 1967:

(1) Whether all the ballot papers should have been rejected by the Returning Officer under Rule 56 2) (a) of the Conduct of Election Rules, 1961, on the ground that the serial numbers were printed on the ballot papers?

(2) Does the Election Petition contain an adequate statement of material facts for scrutiny and recount of votes?

(3) Whether the Election Petitioner has made out a *prima facie* case for inspection, scrutiny and recount of ballot papers?

(4) Whether the result of the election, in so far as it concerns the Respondent, has been materially affected by improper reception, refusal or rejection of any vote or reception of any vote which is void?

(5) Whether the 613 ballot papers issued in respect of Booth No 5 of Guttur village did not bear the mark which they should have borne under the provisions of sub-rule (1) of Rule 38?

(6) If the ballot papers referred to in Issue No. 5 did not bear the mark, was the defect caused by any mistake or failure on the part of the presiding Officer or polling Officer, and whether they should have been rejected under Rule 56 (2) (b) ?

(7) In the event of a recount being ordered, whether the averments made by the Respondent in paragraphs 2, 4, 5 and 12 of his counter statement contain an adequate statement of Material facts for granting the recriminatory relief ?

(8) In the event of a recount being ordered, whether the Respondent has made out a *prima facie* case for inspection scrutiny and recount of the ballot papers accepted as valid in favour of the petitioner ?

(9) whether the Election petitioner is entitled to a declaration that the election of the Respondent is void and for a further declaration that the election petitioner is duly elected ?

(10) What reliefs?

Issue Nos. (1) and (2) were heard as perliminary issues. By order made on 11th July 1967, I held on issue No. (1) that the contention of the Election Petitioner that all the ballot papers should have been rejected under Rule 56(2) (a) is untenable and has to be rejected. Regarding Issue No.(2), I held that some of the grounds urged for recount cannot be disposed of without evidence and therefore ordered that the said issue should be decided after trial.

The crucial issues in the case are Issues Nos.(2) and (3) and before I deal with them, I shall dispose of Issue Nos.(5) and (6) which relate to the votes polled at polling Station No.5 -Guttur. The petitioner's case which is set out in para IV (9) at page 20 of the pleadings, is that all the ballot papers of that polling station ought to have been rejected under Rule 56 (2) (b) as they do not bear the mark which they should have borne under the provisions of Rule 38 (1) The Respondent besides denying the said allegation has contended that if the ballot papers did not bear the necessary mark, that was caused by the mistake of the concerned

Presiding Officeer or the polling Officer and consequently the said ballot papers were not liable to rejection on the ground of such defect.

The evidence in regard to Issues Nos. (5) and (6) consists of the oral evidence of P. W, 6 Sri Aumaksheriah, one of the Asst. Returning Officers who scrutinised and counted the ballot papers of polling Station No. 5. He has stated that while scrutinising the Guttur polling Station ballot papers the Assistant Returning Officers observed no seals showing the constituency number and the polling station number; instead of the proper seal he found on all the ballot papers the letters 'P. R.O. ' marked with the seal supplied to the presiding Officer for sealing the election papers. It is seen form instruction No. 6 (a) of Chapter VII at page 58 of the Hand Book for Returning Officers, General Elections 1967, that the Election Commission in pursuance of Rule 38 (1) had directed that the serial Number of the Assembly Constituency as given in the Delimitation Order within which the Polling Station is situated as also the serial number of the polling station as given in the list of polling stations for that Constituency shall be rubber stamped on the reverse of each ballot paper. According to the said direction of the Election Commission, the ballot papers issued to the voters from Guttur Polling Station should have been rubber stamped with a seal showing the Constituency Number *viz.*, 38 and the polling Station number *viz.*, No. 5. It is in evidence that such a seal was sent to the Presiding Officer, Guttur Polling Station, besides a seal bearing the letters 'P. R. O.'. But the Presiding Officer of that polling station, instead of marking the ballot papers with the seal showing the constituency number and the polling station number, rubber stamped the 'P. R. O.' seal. When this mistake was discovered by P. W. 6 while he was scrutinising the doubtful ballot papers and also while doing test checking of all the valid ballot paper bundles, he brought this matter to the notice of the Returning Officer. P. W. 6 admitted in his cross-examination that P. W. 1, the election agent of the petitioner, and the Respondent, who were present, raised no objection that the ballot papers of polling Station No. 5 ought

to be rejected and P. W. 6 further stated that the Returning Officer and the Assistant Returning Officers acted on the first proviso of Rule 56 (2) as they were satisfied that the omission to affix the mark prescribed under Rule 38 1) was caused by mistake on the part of the Presiding Officer or the Polling Officer, Guttur.

It was urged by Sri B. K Ramachandra Rao the learned counsel for the petitioner that the Returning Officer without obtaining the reasons from the polling Officer or the presiding Officer, Guttur Polling Station, for not affixing the correct seal, could not have acted under the proviso to Rule 56 (2), as there was no material on the basis of which the Returning Officer could have satisfied that the defect was caused by mistake on the part of the presiding Officer or the Polling Officer.

Apart from the fact that neither P. W. 1 nor the Respondent had raised any objection that the said ballot papers ought to be rejected under Rule 53 (2) (h), the contention of the petitioner, in my opinion, is devoid of any merit. It is the case of the petitioner that all the ballot papers issued to the voters at Polling Station No. 5 were marked with the wrong seal. P. W. 6 has admitted that the Polling Officer was supplied with two seals *viz.*, the seal in accordance with the direction of the Election Commission under Rule 38 (1) as also the 'P. R. O.' seal. From the fact that the Polling Officer had affixed the 'P. R. O.' seal instead of the correct seal on all the ballot papers, it is manifest that the wrong seal was put by mistake of the Polling Officer. Therefore the Returning Officer was right in acting under the first proviso to Rule 56 (2).

Even if all the ballot papers of Polling Station No. 5 are rejected, the petitioner cannot succeed unless he makes out a case for re-count and on such re-count he shows that he has secured the majority of votes. Exhibit R-2 is the final result shown in Form No. 20 which shows that from Polling Station No. 5 Guttur the petitioner received 248 valid votes and the Respondent received 360 valid votes and that 35 votes were rejected. If the votes taken into

account from Polling Station No. 5 are rejected, the margin of difference between the petitioner and the Respondent will be reduced by 112 votes, but that does not affect the result of the election. My answer to Issue No. (5) is in the affirmative, but on Issue No. (6), I hold that the defect was caused by mistake of the Presiding Officer or the Polling Officer and consequently the Returning Officer was right in acting under the first proviso to Rule 56 (2).

I now proceed to deal with Issues Nos. (2) and (3) which are the main issues in the case. Under the scheme of counting of votes contained in Part V of the Rules, the candidate or his election agents have ample opportunity of remaining present at the time of counting of votes, watching the proceedings of the Returning Officer, inspecting any rejected votes and to demand a re-count before the declaration of the result. After declaration of the result, if the counting is still erroneous, the remedy of the aggrieved candidate is by filing an election petition praying re-count. In such a petition, if the High Court is of opinion that the result of the election, in so far as it concerns the returned candidate has been materially affected by the improper reception, refusal or rejection of any vote or reception of any vote which is void and that the petitioner has received a majority of the valid votes it shall declare the election of the returned candidate to be void and the petitioner to have been duly elected.

Section 83 (1) (a) of the Representation of the People Act, 1951, hereinafter called the 'Act', provides that an election petition shall contain a concise statement of material facts on which the petitioner relies. The Supreme Court has laid down that in order to comply with the requirements of Section 83 (1) (a) it is not sufficient if an election petition for inspection, scrutiny and re-count contains a vague plea that invalid votes have been improperly accepted or valid votes have been improperly rejected or that the counting and examination of the votes was done in a very irregular manner. Since the Election Petitioner has ample opportunity to examine the ballot papers before they

are counted and in case the objections raised by him or his election agent have been improperly over-ruled, he knows precisely the nature of the objections raised by him or his agent and the voting papers to which those objections relate. he ought to plead the nature of the objection raised by him or his election agent and the voting papers to which those objections related (*Vide* RAM SEWAK vs. H. K. KIDWAI (1) A. I. R. 1964 S. C. 1249 and JAGJIT SINGH vs. KARTAR SINGH). (2) A. I. R. 1966 S.C. 773.

Gram Sevak's (1) A.I.R. 1964 S.C. 1249 case lays down two conditions pre-requisite before, ordering inspection and scrutiny of ballot papers and further that an order for inspection cannot be granted to support vague pleas made in the election petition not supported by material facts or to fish out evidence to support such pleas. This is what the Supreme Court has stated in the said case.

"7. An order for inspection may not be granted as a matter of course; having regard to the insistence upon the secrecy of the ballot papers, the Court would be justified in granting an order for inspection provided two conditions are fulfilled:

(i) that the petition for setting aside an election contains an adequate statement of the material facts on which the petitioner relies in support of his case; and

(ii) the tribunal is *prima facie* satisfied that in order to decide the dispute and to do complete justice between the parties inspection of the ballot papers is necessary.

But an order for inspection of ballot papers cannot be granted to support vague pleas made in the petition not supported by material facts or to fish out evidence to support such pleas. The case of the petitioner must be set out with precision supported by averments of material facts. To establish a case so pleaded an order for inspection may undoubtedly, if the interests of justice require, be granted. But a mere

allegation that the petitioner suspects or believes that there has been an improper reception, refusal or rejection of votes will not be sufficient to support an order for inspection.

8. It must be remembered that the rules framed under the representation of the people Act, 1951, set up an elaborate machinery relating to the stage of counting of votes by the returning officer, and provide for ample opportunity to the candidate who has contested the election or his agents to remain present and to keep an eye on any improper action which may be taken by the returning officer.....

9. There can therefore be no doubt that at every stage in the process of scrutiny and counting of votes the candidate or his agents have an opportunity of remaining present at the counting of votes, watching the proceedings of the returning officer, inspecting any rejected votes and to demand a recount. Therefore a candidate who seeks to challenge an election on the ground that there has been improper reception, refusal or rejection of votes at the time of counting, has ample opportunity of acquainting himself with the manner in which the ballot boxes were scrutinised and opened and the votes were counted. He has also opportunity of inspecting rejected ballot papers, and of demanding a recount. It is in the light of the provisions of Section 83 1) which require a concise statement of material facts on which the petitioner relies and to the opportunity which a defeated candidate had at the time of counting, of watching and of claiming a recount that the application for inspection must be considered."

In Jagjit Singh's (2) case, A.I.R. 1966 S.C. 773, Chief Justice Gajendragadkar who delivered the judgment of the Court has laid down the circumstances under which

the Court would be justified in allowing inspection of the ballot boxes in an election petition. This is what the learned Chief Justice has stated:

> ".....In a proper case, the Tribunal can order the inspection of the ballot boxes and may proceed to examine the objections raised by the parties in relation to the improper acceptance or rejection of the voting papers. But in exercising this power, the Tribunal has to bear in mind certain important considerations. Section 83(1)(a) of the Act requires that an election petition shall contain a concise statement of the material facts on which the petitioner relies; and in every case, where a prayer is made by a petitioner for the inspection of the ballot boxes, the Tribunal must enquire whether the application made by the petitioner in that behalf contains a concise statement of the material facts on which he relies. Vague or general allegations that valid votes were improperly rejected, or invalid votes were improperly accepted, would not serve the purpose which Section 83(1)(a) has in mind. An application made for the inspection of ballot boxes must give material facts which would enable the Tribunal to consider whether in the interests of justice, the ballot boxes should be inspected or not. In dealing with this question, the importance of the secrecy of the ballot papers cannot be ignored, and it is always to be borne in mind that the statutory rules framed under the Act are intended to provide adequate safeguard for the examination of the validity or invalidity of votes and for their proper counting. It may be that in some cases, the ends of justice would make it necessary for the Tribunal to allow a party to inspect the ballot boxes and consider his objections about the improper acceptance or improper rejection of votes tendered by voters at any given election;

but in considering the requirements of justice, care must be taken to see that election petitioners do not get a chance to make a roving or fishing enquiry in the ballot boxes so as to justify their claim that the returned candidate's election is void. We do not propose to lay down any hard and fast rule in this matter; indeed, to attempt to lay down such a rule would be inexpedient and unreasonable.

32. Whenever an Election Tribunal is called upon to consider this question, it should not ignore the safe guards which have been prescribed by the relevant Rules in part V of the Conduct of Election Rules, 1961. Let us briefly indicate the broad features of these Rules. Under R. 53, candidates, their election agents or counting agents are admitted to the place fixed for counting of votes. Rule 54 emphasises the importance of the maintenance of secrecy of voting. Rule 55 deals with the scrutiny and opening of ballot boxes; before a ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is in fact. The Returning Officer has himself to take care to "see, that no ballot box has been tampered with. In case any tampering of the ballot boxes is disclosed, the Returning Officer has to take action under R. 54. Rule 56 provides for the scrutiny and rejection of ballot papers. R. 56 (1) lays down that the ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised. The objections are raised as specified by sub-rule (2) and are dealt with in accordance with the provisions of other sub clauses of R. 56(2). It is thus clear that the scheme of R. 56 is that every ballot paper can be examined by the counting

agent and objections can be raised in respect of it if the election agent feels that a valid objection can be raised. It is after these objections are examined and dealt with according to R. 56 that the stage of counting votes arrives. Even after the completion of the counting, it is open to a candidate or his election agent to apply in writing to the Returning Officer for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount. That is the effect of rule 63 (2). After all this procedure has been gone through, the Returning Officer completes the result sheet in Form 20, and signs it. Once that is done, no application for a recount shall be entertained. We have referred broadly to the scheme of these Rules to emphasise the point that the election petitioner who is a defeated candidate, has ample opportunity to examine the voting papers before they are counted, and in case the objections raised by him or his election agent have been improperly over-ruled, he knows precisely the nature of the objections raised by him and the voting papers to which those objections related. It is in the light of this background that S. 83 (1) of the Act has to be applied to the petition made for inspection of ballot boxes. such an application must contain a concise statement of the material facts."

The first question for determination is whether the election petition contains an adequate statement of the material facts for inspection, scrutiny and recount. The grievance of the Election petitioner is that 1, 651 invalid votes have been received in favour of the Respondent not heeding the objections raised by the petitioner's counting agents, and that 550 votes which ought to have been accepted in favour of the petitioner have been improperly rejected by the Assistant Returning Officers. The Election petitioner has not given the serial numbers of the ballot

papers which he complains to have been either improperly accepted or improperly rejected. An explanation has been offered in the Election Petition for not giving the number of the ballot papers said to have been improperly accepted and that reason is that the counting supervisors sorted the ballot papers so briskly that it was not possible for the petitioner's counting agents to note the serial numbers and other particulars of the objectionable ballot papers and that the Counting Supervisors denied them the opportunity to examine the ballot papers. His further grievance is that the Returning Officer merely attended to the general supervision of the counting and it was the two Assistant Returning Officers that did the scrutiny and counting and the said Assistant Returning Officers did not scrutinise at all the ballot papers sent by the Counting supervisors as valid ballot papers of the two candidates and all that they did was to take one or two bundles of 50 ballot papers and merely count their number without verifying whether they contained any invalid ballot papers or ballot papers belonging to the wrong candidate. Therefore, it was urged that the Election Petitioner was not in a position to give the serial numbers and other particulars of the 1,651 ballot papers improperly accepted in favour of the Respondent. The learned counsel for the Petitioner at first conceded that the Election Petition does not contain the nature of the objections; but at a later stage of the arguments he submitted that sub-paragraphs 5 6 and 7 of para IV state the nature of the defects in the ballot papers alleged to have been improperly accepted; in the alternative, the learned counsel urged that since the objections could be stated only in relation to the particular ballot papers no purpose is served by setting out the nature of the objections in the absence of their serial numbers.

The Respondent has not specifically raised a contention that the Election Petition is not in conformity with the requirements of Section 83 (1) (a) of the Act The two decisions of the Supreme Court to which I have referred proceed on the assumption that the defeated candidate has ample opportunity to examine the voting papers before

they are counted and in case the objections raised by him or his election agent have been improperly over-ruled, he knows precisely the nature of objections raised by him and the voting papers to which those objections relate. But, in the instant case, the grievance of the Election Petitioner is that his counting agents were denied the opportunity to examine the ballot papers before they were counted and, their objections were not considered at all by the Assistant Returning Officers. But with respect to this pleading that 550 votes were improperly rejected, it is not the petitioner's case that his election agent was not afforded a reasonable opportunity to inspect the ballot papers before they were rejected. The Petitioner has not alleged that the ballot papers sent in the 'doubtful' bundles by the Counting supervisors were not properly scrutinised by the Assistant Returning Officers or before any ballot paper was rejected, his election agent present was not afforded a reasonable opportunity to inspect the ballot papers. When the petitioner's election agent had ample opportunity to note the particulars of the ballot papers said to have been improperly rejected, the petitioner should have given the serial numbers and the polling station numbers of the said ballot papers and the nature of the objections in relation to the said ballot papers.

According to Exhibit R-I, the Form No. 16 Ballot paper Account in respect of the 68 polling stations in the Haribar Assembly Constituency, the counting supervisors had included in the 'doubtful' bundles 2,953 ballot papers for scrutiny by the Returning Officer or the Assistant Returning Officers. The Returning Officer and the Assistant Returning Officers after scrutiny rejected 2,172 votes as invalid and accepted 474 votes in favour of the petitioner and 312 votes in favour of the Respondent as valid votes and made the consequent adjustments in the ballot paper accounts.

In my judgment, the election petition lacks material particulars in regard to the claim for inspection, scrutiny and recount of the said 2,953 ballot papers and therefore I ruled by my order dated July 21, 1967 that the election

petitioner need not adduce evidence regarding the alleged irregularities committed by the Returning Officer or the Assistant Returning Officers while scrutinising the ballot papers contained in the bundle of doubtful ballot papers. My finding on Issue No. (2) therefore is that the election petition does not contain adequate statement of material facts for scrutiny and recount of 2,958 ballot papers out of which 2172 were rejected; but the petitioner's case that his counting agents were denied the opportunity to examine the ballot papers and ignoring their objections the Counting Supervisors had put in the Respondents bundle 1,651 invalid ballot papers and they were accepted by the Assistant Returning Officers without scrutiny has to be tried and that part of his pleading cannot be dismissed on the ground that it does not contain an adequate statement of material facts.

The next question is whether the Election Petitioner has made out a *prima facie* case for inspection, scrutiny and recount of the ballot papers accepted as valid votes in favour of the candidates.

The counting of votes is done by the Returning Officer or the Assistant Returning Officers in exercise of the statutory powers and therefore the presumption is that all official acts were done in accordance with law. The burden is clearly on the Election Petitioner to make out a *prima facie* case to satisfy the court that recount is necessary in the interest of justice. At the very outset, I may state that the Election petitioner has not questioned the decision of the Returning Officer or the Assistant Returning Officers in respect of any particular ballot paper to be erroneous. His grievance is that the counting Supervisors without heeding to the protests of his counting agents put 1,651 invalid ballot papers in the Respondent's tray; that the work of sorting was done by the Counting Supervisors so briskly that it was not possible to note the particulars of the objectionable ballot papers put in the Respondent's tray and that the Assistant Returning Officers who were expected to scrutinise and count the ballot

papers sent in packets after sorting, did not scrutinise and count the ballot papers contained in the packets of the respective candidates and that they merely did test checking without scrutinising whether any invalid ballot papers, or the ballot paper of the wrong candidate had been included in the bundle of valid ballot papers. Though the petition does not make it clear, the petitioner's learned counsel Sri B. K. Ramachandra Rao submitted to the Court that the Election Petitioner was not challenging the correctness of the counting in the sense that there are any arithmetical mistakes; the learned counsel made it explicitly clear that inspection, scrutiny and recount is prayed on the sole ground that about 1,651 invalid ballot papers were put in the Respondent's tray by the counting Supervisors despite the objections of the petitioner's counting agents and that the Assistant Returning Officers did not scrutinise and count the valid ballot paper pakets sent by the Counting Supervisors.

The Petitioner has not alleged any bias or *mala fides* against the Returning Officer, the Assistant Returning Officers and the Counting Supervisors. The Respondent has alleged and he has also given evidence to the effect that the Assistant Returning Officers were helping the Election Petitioner in his election campaign and that when the counting commenced, he had objected to the scrutiny of the 'doubtful' ballot papers by the Assistant Returning Officers.

The Election Petitioner was not present at the counting on both the days. In the election petition he has stated that the averments made in paragraphs I, II, III and IV were based on information which he believes to be true. The Election Petitioner did not enter the witness box. For the petitioner his election agent B.G. Rajashekharappa was examined as P.W. 1, his counting agents N.M. Chandrashekharaiah (P.W. 2), K B Nagappa (P.W. 3) and H. M. Kasinathaiah (P. W. 4) have been examined. Besides, he has examined three counting assistants D. Kotrabasappa (P. W. 7), Bheema Rao, (P.W. 8) and R. Mallappa, (P.W. 9). The petitioner

has also examined the two Assistant Returning Officers, P. Sharanappa (P W 5) and Aumakshariah (P.W. 6). The Returning Officer Sri Brahmaravappa was summoned by the petitioner and though he was present in court was not examined. No documentary evidence has been adduced on behalf of the petitioner.

For the Respondent, the Respondent besides examining himself as R. W. 1 has examined his five counting agents Ramajois R.W 2, P Basavana Gowda R.W. 3. S Bharmappa R.W 4, S. Basavana Gowda R.W 5 and K. Revanasiddappa R.W. 6. The ballot paper accounts in Form No. 16 with respect to the 64 polling stations in the constituency were collectively marked as exhibit R 1 and the Form No. 20 account was marked as Exhibit R-2. It is unnecessary for the purpose of the decision of the case to refer to the oral evidence in great detail since the controversy between the parties lies with a very narrow compass.

The counting of votes for the Haribar Assembly Constituency and Chitradurga Parliamentary Constituency was conducted in the Davangere Town Municipal Hall on the 21st and 22nd of February 1967. The procedure of counting has been spoken to by P.Ws. 1, 5 and 6 and R.W. 1. Briefly stated, the procedure of counting followed according to the said witnesses was as follows. The layout of the counting hall was in accordance with the layout given in Annexure XI at page 130 of the Hand book for Returning Officers—General Elections. The Returning Officer Shri Brahmaravappa was the Deputy Commissioner and his two Assistant Returning Officers were Sri P. Sharnappa (P. W. 5) and Sri Aumakshriah (P. W. 6) who were Tahasildars. At one end of the counting hall on a raised platform was a table for the Returning Officer and the Assistant Returning Officers. To the left of the said platform five counting tables in a row with space left between each table were placed for counting the Assembly votes; similarly five counting tables were placed to the right of the said platform for counting the parliamentary votes. The said counting tables were numbered serialy as Numbers

1, 2, 3, 4 and 5 commencing from the end near the Returning Officer's table. On each counting table three trays were kept; one for putting 'apparently or invalid doubtful' ballot papers and one each for putting valid ballot papers candidatewise. To each counting table were assigned one Counting Supervisor and two counting assistants appointed by the Returning Officers. The petitioner as also the Respondent had appointed one counting agent each for each table.

The Counting Supervisor for Table No. 1 was one Sri Channaraj Urs, Commercial Tax Officer. The Petitioner's counting agent at the said table was one Sri Kadappa who has not been examined. The Respondent's counting agent at the said table was Sri Rama Jois R. W. 2. Sri Kotrabasappa R. W. 7 was one of the two counting assistants at the said table.

At counting Table No. 2, Sri Chitnis, Lecturer in the B. E. D. College of Engineering, Davanagere was the counting Supervisor. One Sri Shivayogi who has not been examined was the petitioner's counting agent and Sri P. Basavana Gowda, R. W. 3 was the Respondent's counting agent.

At counting table No. 3 Sri Boriah, Vice Principal. D.R.R. Polytechnic, Davanagere was the Counting Supervisor. The petitioner's counting agent on the 21st was Sri Nagappa, P.W. 3 and on 22nd one Sri Vamadevaiah. Sri Bharmappa, P.W. 4 was the Respondent's counting agent. Sri Mallappa P.W. 8 was one of the counting assistants.

At counting Table No. 4 Sri C. Krishnamachar, Health Officer, Davangere Municipality was the Counting Supervisors; Sri Bhima Rao P.W. 8 was one of the Counting Assistants; P.W 2 N. M. Chandrasekhariah and Sri S. Basavana Gowda P.W. 5 were the counting agents of the petitioner and Respondent respectively.

At counting Table No. 5, Sri S. Nagappa, Lecturer B. D. T. College of Engineering, Davangere was the counting Supervisor. Sri Kashinathiah P. W. 4 and

Sri Revana Siddappa, R.W. 6 were the counting agents of the petitioner and Respondent respectively at that table.

P.W. 1 Rajashekharappa was the election agent of the petitioner; the Respondent did not have any election agent and he was himself present at the counting. P.W. 1 and the Respondent were seated on the platform by the side of the Returning Officers.

Before the commencement of the counting on the 21st February 1967, the Returning officer explained to the counting staff and others present at the counting hall, the procedure of counting votes. Thereafter counting commenced.

The ballot boxes of Polling Stations Nos. 1 to 5 were brought to the counting hall first and placed in the same order on counting Table Nos. 1, 2, 3, 4 and 5. After satisfying that the seals put on the ballot boxes were intact, they were opened by the Counting Supervisors and the ballot papers were taken out. The parliamentary ballot papers were first separated from the assembly ballot papers and sent to the counting tables of parliamentary votes. Thereafter the counting assistants opened the folded ballot papers, sorted them into convenient bundles and handed them over to the counting Supervisors. Each Counting Supervisor then sorted the ballot papers: he put all 'apparently invalid or doubtful' ballot papers in the tray kept for the said purpose on his counting table and the rest of the ballot papers candidatewise in the trays of the petitioner and the respondent. After the sorting was done in this manner, the counting assistants made up the ballot papers into bundles of 50 each except for the last such bundle which may be less than 50. Each counting table was supplied with Form No. 16 for entering the ballot paper account of each polling station. Each counting Supervisor then filled up the ballot paper account in Form No. 16 showing among others the number of valid votes cast in favour of each candidate and the number of 'doubtful' ballot papers.

The sorted ballot papers of each candidate was made into one packet and so also the 'doubtful' ballot papers. Thus three packets of ballot papers of each station and the ballot paper account in Form No. 16 were sent from the table of the Counting Supervisors to the table of the Returning Officer.

On receipt of the packets of ballot papers and Form No. 16 account, the Assistant Returning Officers verified the ballot paper account in Form No. 16. Then each of the ballot papers contained in the 'doubtful' bundles were scrutinised. As to who did the scrutiny of the ballot papers contained in the 'doubtful' bundle, the parties are at variance. According to P.Ws. 5 and 6 the scrutiny was done by them, since the Returning Officer was engaged in the scrutiny and counting of the parliamentary votes. P. W. 5 however admitted that at the commencement of the counting the Respondent had objected to the scrutiny of the 'doubtful' bundles by the Assistant Returning Officers and therefore though the scrutiny was done by P Ws. 5 and 6 whenever there was any dispute regarding the acceptance or rejection of a ballot paper the matter was referred to the decision of the Returning Officer and the ballot paper concerned was dealt with in accordance with the said decision. According to the evidence of the Respondent, the scrutiny of the 'doubtful' bundles was conducted by the Returning officer only and not by P.Ws. 5 and 6. The dispute on this question is not however material for the purpose of the decision of the case since I have held under Issue No. (2) that the Election petition does not contain material facts for inspection, scrutiny and recount of the ballot papers contained in the 'doubtful' bundles. Both the sides are however agreed that the packets containing the 'valid' ballot papers were not scrutinised by the Returning Officer. The Returning Officers while they scrutinised each of the ballot papers in the 'doubtful' bundles gave opportunity to P.W. 1 and the Respondent to inspect the ballot papers and make their submissions and it is not disputed that the Returning Officers after scrutiny and rejection of the invalid ballot

papers only placed in the bundles of the appropriate candidates those 'doubtful' ballot papers which they held to contain a valid vote in favour of that candidate. As a result of the scrutiny and transfer of ballot papers in accordance with the said decisions, the entries in part II of Form No. 16 account were revised by making the necessary plus and minus entries. Then the ballot paper account was signed by of the Returning Officer and one of the Assistant Returning Officers.

After scrutiny of ballot papers in the 'doubtful' bundles, P.W. 5 or P.W. 6 made a test check of the bundles of valid ballot papers to see that they have been correctly sorted and did not contain any ballot paper which ought to be rejected or which ought to be placed in the bundle of ballot papers of the other candidate. Regarding the test checking done by P.Ws. 5 and 6, the parties are at veriance. The grievance of the petitioner as already stated is that they did not scrutinise any bundle to check whether they have been correctly sorted and did not contain any invalid ballot papers or the ballot papers of the wrong candidate. I will deal with this aspect of the evidence at a later stage. After scrutiny of the ballot papers in the 'doubtful' bundle and test checking one or two bundles from the candidate's packet of ballot papers, the result of polling was entered in Form No. 20 as soon as scrutiny and counting of each polling station was completed in the serial order of the polling stations. The result of polling of each station was also written on a block board.

The counting of votes of all polling stations was conducted in accordance with the above procedure and completed by about 1-30 P.M. on the 22nd. Then the grand total of the number of votes credited to each candidate was made and thereafter the declaration of the result was made at about 2-30 P.M. by the Returning Officer. According to P.W. 1, he requested P.Ws. 5 and 6, after the grand total of votes polled by each candidate was made for a scrutiny of the ballot papers contained in the valid ballot paper packets of the candidates which request was rejected by P. W.5 and that was approved by the Returning Officer.

The allegation in the election petition is that the Counting Supervisors despite the objections raised by the Petitioner's counting agents put about 1,651 ballot papers which according to the petitioner are invalid, in the tray of the Respondent and that when the Petitioner's counting agents protested, the Counting Supervisors told them that their objections should be raised before the Returning Officer or the Assistant Returning Officers and that it was the counting agents of the petitioner that requested the Assistant Returning Officer for scrutiny, but the Assistant Returning Officers did not entertain the complaint of the counting agents on the ground that the said ballot papers have already been scrutinised by the Counting Supervisors. This is what is stated in para III-B of the election petition:

> "After all the ballot papers were distributed in this manner into the three trays, the ballot papers in each tray were sorted into bundles of 50 each by the Counting Assistants and then sent on to the Assistant Returning Officers. The Assistant Returning Officers scrutinised only the ballot papers which were sent to them as doubtful ballot papers by the Counting Supervisors. The counting agents were given an opportunity to inspect and their contentions were heard before the Assistant Returning Officer in regard to the validity of these doubtful ballot papers. They rejected all the ballot papers which they considered as invalid and distributed the ballot papers which they considered as valid from among the doubtful ballot papers to the respective candidates. The Assistant Returning Officers did not scrutinise the other ballot papers sent by the Counting Supervisors as belonging to the respective candidates. In respect of these bundles, all that the Assistant Returning Officers did was to pick one or two bundles of 50 ballot papers and count only the number of ballot

papers in these bundles to verify if they contained only 50 ballot papers or not. The Assistant Returning Officers did not even open the bundles that were tied with a rubber band to find out if the bundles contained either invalid ballot papers or ballot papers belonging to the other candidate. When the petitioner's counting agents requested the Assistant Returning Officer to scrutinise all these ballot papers and to conclude the counting of the votes thereafter, the Assistant Returning Officers declined to accede to the request of the petitioner's counting agents on the ground that those bundles must be deemed to contain valid ballot papers belonging to the respective candidates only, they having already been scrutinised by the Counting Supervisors The Petitioner's Counting Agents brought to the notice of the Assistant Returning Officer that their objection were not at all considered and that the ballot papers in which objections were raised were not put in the tray of doubtful ballot paper. The Assistant Returning Officers, however, maintained that the scrutiny of these ballot papers having already been made by the Counting Supervisors, they did not wish to scrutinise or re-count all the ballot papers and that they would confine themselves to the scrutiny of only the ballot papers received by them as doubtful ballot papers. As the Returning Officer also shared the views of the Assistant Returning Officers, the counting agents of the petitioner were helpless in the matter."

The evidence adduced on behalf of the petitioner is at variance from what has been pleaded. P.Ws. 2, 3 and 4, his counting agents, do not say that they ever complained to the Assistant Returning Officers regarding the alleged objections. According to the evidence, it is P.W 1 who at the conclusion of the counting that represented to P.W.3

and 6 for scrutiny and recount. P.Ws. 5 and 6 also corroborate to some extent the evidence of P.W.1 in this regard. But P.Ws. 5 and 6 do not state that P.W. 1 had told them that the Counting Supervisors despite the objections of the Petitioner's counting agents had put about 1,651 invalid ballot papers and therefore they should scrutinise the valid ballot bundles. This is what P.W. 5 Sharanappa has stated :

> "After 1-30 P.M. on the 22nd the grand total of the votes secured by each candidate as also the invalid votes was made. After the grand total of votes secured was made, P.W. 1 told me that the supervisors had said that the A. R. Os would scrutinise the valid B. Paper bundles also and therefore he requested us to scrutinise the B. Papers contained in the two bundles of all the stations. I pointed out to him the provision of law that we are not required to scrutinise all B. Papers. Thereafter he kept quite."

In his cross-examination he stated :

> "P.W. 1 told me as also the other A R O. that the supervisors had said that we would scrutinise the valid ballot papers bundles. Before replying to P.W. 1, I did not make enquiries with any of the Supervisors whether they had said so."

To a question put by me, P.W. 5 stated that the Counting Supervisors were given instructions at the very commencement of the counting of votes on the 21st that all ballot papers that are doubtful should be put in the tray kept for the purpose and that he was satisfied that the Counting Supervisors had faithfully carried out the instructions. P W. 6 Sri Anmakshriah the other Assistant Returning Officer stated :

> "The bundle of the doubtful ballot papers from the last polling station on 22nd was scrutinised at about 1-30 P.M. At that time. P.W. 1 represented that we should scrutinise all the ballot papers from the candidate's bundles but,

P.W. 5 (the other A.R.O.) read out the Rules and said that request cannot be granted. P.W. one made a request alleging that the supervisors had not properly scrutinised and therefore the A.R.Os. ought to scrutinise. The R. O. also did not scrutinise the ballot papers contained in the bundles of the candidates."

The Petitioner has not adduced any evidence that any objections were raised by his counting agents at Table No. (2) and that Shri Chitnis the Counting Supervisor had put in the Respondent's tray any 'apparently invalid or doubtful' ballot papers. The Respondent has examined R.W. 3 Basavana Gowda, an Advocate, who was his counting agent and he has denied that the Counting Supervisor had put any ballot paper in the Respondent's tray which was objected to by the Petitioner's counting agent. That evidence stands unconradited.

Regarding Counting Table No. 1, the petitioner has not examined his Counting Agents though he was summoned.

The petitioner has examined his counting agents assigned to Counting Tables Nos. 3, 4 and 5. All of them state that they raised objections when the respective Counting Supervisors put invalid ballot papers in the tray of the respondent and that the sorting was so brisk that they could not note the particulars of the objectionable ballet papers. P.Ws. 2, 3 and 4 have stated that on a piece of paper they kept account of the invalid ballot papers put in the Respondent's tray by marking the figure 'I' but they admit that they have not noted the nature of the objections or the polling station to which the objectionable ballot paper related. The said note papers on which they maintained the accounts have not been produced. P.W. 7, P.W. 9 and P.W. 8 are the three counting Assistants examined to support the case of the petitioner that his counting agents had raised objections and the counting Supervisors did not heed to the said objections and had told that the objections can be raised

before the final scrutiny before the Assistant Returning Officer. P.Ws. 8 and 9 have said that P.Ws. 2 and 3 had note books in their hands on which they were making notes regarding the objectionable ballot papers. P.W. 7 is a Clerk is the Municipal High School, Davanagere. The petitioner was the President of the Davangere Municipality for some years and he was also a Municipal Councillor. P.W.8 also is a Clerk in the Municipal Office, Davangere. P.W. 9 is a clerk in the Executive Engineer's Office, Davangere. P.W. 7 8 and 9 have given the identical evidence which appears to me as high artificial.

P.W. 1, the election agent of the petitioner, stated that within a few minutes of the commencement of the counting while he was going round the counting tables, the petitioner's counting agents told the Counting Supervisors that they are putting invalid ballot papers into the tray of the Respondent and that the Counting Supervisors were replying that if they had any complaint, they should state them to the Returning Officer or the Assistant Returning Officer and the same kind of complaints were made by the counting agents on both the days. P.W. 1 is an advocate of 12 years standing at the Bar. He is not a stranger to the procedure of counting of votes. He admits that in the 1957 General Elections he was the election agent of one Sri Ramappa who had opposed the Respondent from the same constituency. If as matter of fact the Counting Supervisors were putting invalid or doubtful ballot papers in the tray of the Respondent had the petitioner's counting agents had brought this to the notice of P.W 1 even before the completion of the sorting of the votes from the first set of ballot boxes, it is most surprising that he would have remained silent until the counting of all votes from all stations was completed. Any reasonable man in the position of P W. 1 would have told the Returning Officer or the Assistant Returing Officers to correct them and there the sorting done by the Counting Supervisors. When the scrutiny and counting of the ballot papers from the first set of polling stations was done, P.W. 1 was admittedly present and as a reasonable man, would he have failed to ask P.Ws. 5 and 6 to

scrutinise all the ballot papers contained in the valid ballot paper bundles of the Respondent before the result of the polling from stations Nos. 1 to 5 were entered in Form No. 20?

P.W. 2 was the counting agent at Table No. 4. He stated that while sorting the ballot papers from polling Station No. 4, the counting supervisor was putting invalid ballot papers into the tray of the Respondent and that the Counting Supervisor over-ruled his objections. Form No. 16 account in Exhibit R-1 relating to Polling Station No. 4 shows that the Petitioner received 509 votes and the Respondent received 164 votes. The Respondent's votes would have been made up of three bundles of 50 ballot papers, P.W. 1 is unable to say as to whether P.W. 5 or P.W. 6 did the test checking in respect of polling Station No. 4. P.W. 5 has stated that the test checking was done in the following manner:

> "We opened the bundles and from the bundle relating to each candidate, we took out one small bundle and did the test checking by counting the number of ballot papers and scrutinising whether the bundles contained any invalid ballot papers."

At least one bundle of 50 ballot papers of the Respondent from Polling station No. 4 was admittedly test checked. If the said bundles had contained any invalid ballot papers, how is it that while doing the test checking, not a single invalid ballot paper was noticed by either P. W. 5 or P.W. 7 If the evidence of P. W. 1 is true, he would have certainly not failed to tell the concerned Assistant Returning Officer to scrutinise all ballot papers accepted as valid in favour of Resepondent from Polling Station No. 4 and P Ws. 5 or 6 would have had no difficulty in complying with such a request.

P. W. 1 has stated that he has not given instructions for drafting the election petition but he had given instructions to the petitioner before the election petition was filed. The Election petitioner has given in sub-paras IV (5), (6),

and (7) the nature of the objections raised in respect of 1,601 votes accepted as valid votes in favour of the Respondent. P. W. 1 has not stated that he has furnished the petitioner with the nature of the said objections. P.Ws. 2, 3 and 4 also have not stated that they furnished the figures of invalid ballot papers classifying them in accordance with the nature of objections. The Petitioner has not led any evidence to show how he got the figures classified in accordance with the nature of the objections are mentioned in sub-paras 5, 6, and 7 para IV of his election petition.

The Petitioner's case as alleged in the Election petition is that P.Ws. 5 and 6 did not do test checking of any bundle out of the valid ballot paper packets of the candidates. But the evidence of P.Ws, 5 and 6 does not support his case. The evidence of P.W. 5 in this regard, I have already referred to above wherein he has stated, that they did the test checking by counting the number the bundles contained any invalid ballot papers. He has also stated that while doing test checking, he did not find any mistakes. Though P.W. 6 at one stage stated that the test checking was done counting the number of ballot papers in the said bundle without verifying whether any of the ballot papers in the bundles checked were doubtful ballot papers, he has stated subsequently that he had read the instruction No. 17 (n) at page 78 of the Hand Book of Instructions for the Returning Officers and that he has complied with the said instructions, and while doing the test checking in accordance with the said instructions, he found no mistakes.

When test checking was done by scrutinising one bundle of 50 ballot papers each in respect of each candidate from each polling station before the result of that station is entered in Form No. 20 is it possible that either P.W. 5 or P. W. 6 would not have noticed invalid or doubtful ballot papers, is the counting supervisors had put as many as 1,651 invalid ballot papers in the counted bundles of the respondent ? Further, if the petitioner's case is true, would P.W. 1 have failed to ask for recount under Rule 63 (2) of

the Rules by applying in writing stating that the Counting Supervisors had included a large number of invalid ballot papers in the Respondent's bundles. The explanation offered by P.W. 1 that he did not apply for recount because P.W. 5 had overruled his oral objections and request for scrutiny, is not at all a convincing reason for not applying for recount.

It was urged by the learned counsel for the petitioner on the basis of the evidence of P.Ws. 5 and 6 that when the sorting of the ballot papers from the first set of boxes was going on P.W. 2 had raised a loud protest and that P.W. 5 called some of the counting supervisors and warned them to do the sorting carefully, the petitioner has made out a *prima facie* case for recount. The petitioner as already stated has not alleged any bias against the counting Supervisors. The Counting Supervisors have not been examined, nor the Returning Officer who was summoned and present in the court. P.W. 5 has admitted that the Respondent at the very commencement of the counting had objected to P.Ws. 5 and 6 making the scrutiny of the 'doubtful' ballot papers on the ground that they are partisans of the petitioner. P.Ws. 5 and 6 both belong to the Lingayat community and there is evidence to show that there are two sections in the Lingayat community that the petitioner is a leader of one section and the Respondent is a leader of another section. P.W. 5 has admitted that he and the petitioner are desciples of the same Mutt *viz.*, Sri Murigharajendra Mutt, Chitradurga. Suggestions have been made to P.W. 6 in his cross-examination that he was accompanying the petitioner who was a sitting M.L.A. during his election work. At one stage when P.W. 6 stated that he did not scrutinise the ballot papers while doing the test-checking, it appears to me that he has come to court to help the petitioner to the extent possible. If the evidence of P.Ws. 5 and 6 that they had heard shouts and protests coming from the counting agent of the petitioner, when the sorting of the ballot papers from the first set of boxes was proceeding and when the Returning Officer and the Assistant Returning Officers had no

work at the main table, would they have failed to go round the counting tables and supervise whether the sorting was done properly? Would they have failed to correct the Counting Supervisors then and there itself? I have given earlier the designations of the Counting Supervisors; their status is in no way inferior to the status of P.Ws. 5 and 6 who were Tahsildars.

On a careful consideration of the evidence adduced in the case I am not satisfied that the Counting Supervisors without heeding to the objections of the counting agents had put 'apparently invalid or doubtful' ballot papers in the tray of the respondent.

It was finally urged by the learned counsel for the petitioner that even if the petitioner has not *prima facie* established that any 'doubtful or apparently invalid' ballot papers had been put into the tray of the Respondent, since P.Ws. 5 and 6 did only test checking of one or two 50 ballot paper bundles and they did not scrutinise all the ballot papers, there is no counting by the Returning Officer in law and a declaration of the result without counting calls for recount.

Section 64 of the Act which provides for counting votes states:

> "At every election where a poll is taken, votes shall be counted by, or under the supervision and direction of the Returning Officer....." (underlining is mine)

Rule 53 (1) (a) empowers the Returning Officer to appoint such persons as he considers necessary to assist him in the counting. Sub rule (2) of Rule 56 enumerates the grounds for rejection of a ballot paper which can be done only by the Returning Officer which expression includes an Assistant Returning Officer. Sub-rule (3) of Rule 56 provides that before rejection, a ballot paper under Sub-rule (2) the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper. Sub-rule (4) requires the Returning Officer to make

an endorsement on every ballot paper which he rejects, Sub-rule (6) states that every ballot paper which is not rejected under Rule 56 shall be counted as one valid vote. In the election petition it is stated that the Returning Officer was doing general supervision. The Counting Supervisors were appointed for assisting in the counting. The scrutiny of the 'doubtful' ballot papers was conducted by the Assistant Returning Officers in consulation with the Returning Officer. In regard to the ballot paper bundles of the candidates, there is no complaint that there was any error in counting. P.Ws 5 and 6 did test checking in respect of each polling station to satisfy themselves that the valid ballot paper bundles sorted by the Counting Supervisors contained no invalid ballot papers. P.Ws. 5 and 6 counted the valid ballot paper bundles and made the entries of votes polled in Form No. 20. When Section 64 of the Act provides that the counting may be done under the supervision and direction of the Returning Officer and what Rule 56 requires is that the rejection of a ballot paper can be done only by the Returning Officer, the procedure of counting conducted in the instant case in accordance with the Instruction No. 17 contained in the Hand Book for Returning Officers, in my opinion, is in accordance with law. On the material on record, I have no reason to believe that there has been a miscount or that counting was conducted improperly or irregularly. I am not *prima facie* satisfied that in order to decide the dispute raised by the petitioner and to do complete justice between the parties, inspection, scrutiny and recount of the ballot papers is necessary. Issue No. (3) is answered in the negative.

In view of my findings on Issues Nos. (2) and (3), Issue Nos. (4) and (9) have also to be answered against the petitioner.

The Respondent has not led any evidence on Issue Nos. (7) and (8). His learned counsel Sri K. R. Karanth submitted that the evidence on the said issue are necessary only if the court orders recount. The Respondent by his written statement purported to recriminate against the

petitioner. The Respondent has not alleged that any invalid votes improperly accepted by the Returning Officer in favour of the petitioner. His allegations in paras 2, 4, 5 and 42 of the counter statement are wholly irrelevant to the grant of relief of recount of the ballot papers of the petitioner. The petitioner has not calimed merely a recount of the ballot papers of the Respondent but a recount of all the ballot papers. On Issue No. (7) my finding is that the averments in the paras 2, 4, and 42 of the Respondent's counter statements do not contain any statement of material facts for granting recriminatory relies and therefore Issue No. (8) also is answered against the Respondent.

In the result, this Election petition fails and is dismissed with costs.

The Respondent's recrimination also fails and is dismissed but without costs. Advocate's fee Rs. 1,000.

(Sd/-). Govinda Bhat,
Judge, 10-8-1967.

ELECTION COMMISSION, INDIA

NEW DELHI,

Dated the 9th November, 1967.

NOTIFICATION

No. 82/MY-12/67.—In pursuance of section 111 of the Representation of the People Act, 1951, the Election Commission hereby published the Order, pronounced on the 21st August, 1967, by the High Court of Mysore at Bangalore in Election Petition No. 12 of 1967.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission,
India.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the 21st day of August 1967.

Before

THE HON'BLE MR. JUSTICE G. K. GOVINDA BHAT

Election Petition No. 12 of 1967

Sri C. R. Basappa, son of Ujjini Revana Siddappa, aged about 54 years, Gandhinagar, Tumkur .... *Petitioner.*

(By Sri V. S. Malimath)

—*Vs*—

1. Sri K. Lakkappa, son of Thopegowda, age 50 years, Advocate, Someswarpuram Extension, Tumkur .... *Respondent.*

(By Sri K. R. Subbannachar)

2. Sri V. M. Dev, son of Nettegunte Veerappa, age 45 years, Landlord of Chikke Nettegunte, post Mookanayakankote, taluk Gubbi, District Tumkur.

3. Sri K. V. Subramanyaswami, son of Venkatappa, aged 55 years, Advocate, Someswarapuram Extension, Tumkur .... *Respondents.*

Election Petition filed by the Petitioner under Section 81 of the Representation of the People Act, 1951 challenging the election of the Respondent No. 1 to the House of the People from the Tumkur Parliamentary Constituency in the General Elections held in February 1967 and seeking an order that the election of the Respondent No. 1 to the Parliament (House of People) in the 1967 General Election be declared as void and that the petitioner may be declared as duly elected member of the Parliament from the Tumkur Parliamentary Constituency in the 1967 General Election and to grant the costs of this petition read with I.A. No. I for withdawal of this petition.

Read I. A. No. I filed by the Petitioner is as follows:—

"The petitioner does not wish to prosecute this Election Petition. Petitioner, therefore prays leave of the Court to withdraw the petition. The Petitioner is withdrawing the petition voluntarily.

Hence, the Petitioner prays that the necessary leave to withdraw may kindly be granted under Section 109 and Section 110 of the Representation of People Act, 1951."

This Election Petition and the said I.A. No. I coming on for orders in the presence of Sri V. S. Malimath, Advocate for the Petitioner and Sri K. R. Subbannachar, Advocate for Respondent No. 1 and this Election Petition having stood over for consideration, the Court made the following order this 21st day of August 1967.

ORDER.

The election petitioner has filed an application for withdrawal. Notice of the application was published in the *Mysore Gazette*, dated 3rd August, 1967. No person who might himself have been a petitioner has applied to be substituted as the petitioner in place of the election petitioner.

2. The election petitioner has not alleged any corrupt practice or that the returned candidate was disqualified. He has only sought inspection, scrutiny and recount of the votes. I am satisfied that the application for withdrawal has not been induced by any bargain or consideration. Therefore I grant leave to the petitioner to withdraw his election petition. He is ordered to pay a sum of Rs. 250 as costs of respondent No. 1. Election petition withdrawn.

Sd/- G. K. GOVINDA BHAT,
Judge.

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1C—7

PART IV

Section 1—C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

ELECTION COMMISSION, INDIA.

NEW DELHI,

Dated the 10th November, 1967.

NOTIFICATION

No. 82/MY/22/67.—In pursuance of Section 106 of the Representation of the People Act 1951, the Election Commission hereby publishes the Order, pronounced on the 14th September 1967 by the High Court of Mysore at Bangalore in Election Petition No. 22 of 1967.

IN THE HIGH COURT OF MYSORE AT BANGALORE

Thursday dated the 14th day of September 1967.

Before

THE HON'BLE MR. JUSTICE K. R. GOPIVALLABHA IYENGAR

Election Petition No. 22 of 1967

K. Govinda Bhat, son of
K. Ganapathi Bhat, aged
about 26 years, Advocate,
residing at Puttur of Puttur
Kasaba, P.O. Puttur,
South Kanara .... *Petitioner.*

(By Sri K. R, Karanth and Sri K. R. D. Karanth, Sri S. B. Swethadri and Sri P. Ganapathy Bhat and Sri K. N. Mallya)

Vs

B. Vittaladas Shetty, aged about 45 years, residing at Vokkethoor, in Vittal Kasba village of Buntwal taluk, Post Buntwal.

Respondent.

(By Sri V. S. Malimath, Sri B. K. Ramachandra Rao and Sri M. Gopalakrishna Shetty)

Election Petition filed by the Petitioner under Section 81 of the Representation of the People Act, 1951 challenging the election of the Respondent, to the Mysore Legislative Assembly from the Puttur Constituency in the General Elections held in February 1967 and seeking an order that the election of the Respondent to the Mysore Legislative Assembly for Puttur Constituency No. 132, at the 1967 General Elections may be declared to be null and void and to grant the costs of this petition.

This Election Petition coming on for trial on Monday 21st, Tuesday 22nd, Thursday 24th, Friday 25th, Monday 28, Tuesday 29th, Wednesday 30th, Thursday 31st days of August 1967 and Friday 1st, Monday 4th, Tuesday 5th, Wednesday 6th Friday 8th, days of September 1967 in the presence of Sri K. R Karanth, Sri K. R. D. Karanth and from 21st August 1967 Sri S. B. Swethadri Advocate for the Petitioner and Sri V. S. Malimath and Sri M. Gopalakrishna Shetty and from 21st August 1967 Sri B. K. Ramachandra Rao Advocate for Respondent this Election Petition having stood over for consideration, the Court made the following Order this Thursday of September 1967.

ORDER

1 (*a*) The petitioner in this case is an elector included in the electoral roll of Puttur Assembly Constituency of South Kanara District. He has filed this petition in his capacity as such an elector under Section 81 of the Representation of the People Act, 1951 (hereinafter referred to as the Act).

(*b*) There were four candidates contesting for the election to the Mysore Legislative Assembly from the Puttur Constituency during the General Elections held on 19th February 1967. The respondent was a candidate of the Congress Party. The petitioner was working on behalf of one K. Rama Bhat who was contesting as a candidate of the Jansangh Party. The total number of votes in this constituency is 66,844 and actually 47,349 votes have been polled. The counting of the votes was on 22nd February 1967 and the result of the elections was published on the 23rd February 1967. The respondent secured 21,552 votes while the next candidate K. Rama Bhat of the Jansangh Party secured 14,125 votes. The respondent was accordingly declared elected. The election of the respondent is challenged by this petition as being void under Section 100 (1) (b) of the Act.

2. The petitioner has set out the several corrupt practices alleged to have been committed by the respondent which would invalidate his election, as hereunder.

(*a*) That the respondent got printed and published by the Congress Election Committee, Puttur, the pamphlets dated 23rd January 1967, a copy of which is marked as Exhibit P-1 in this case, at the Janatha Power Press, Vittala, for purposes of being distributed in the various villages comprising the aforesaid assembly constituency. It is also stated that the Deputy Commissioner has not raised any objection for the issue of such pamphlets and by his silence he has created an impression in the minds of the voters that the pamphlet has in fact been issued under his authority. Thus, it is stated the respondent is guilty of

having misused the governmental machinery to further his own prospects and has attempted to unduly influence the voters to vote for him.

(b) That the respondent and his agents got an order from the Government suspending the collection of land revenue which was payable in three instalments by the end of January, February and March This was by a telegram dated 25th January 1967 issued by the Revenue Secretariat. It is stated that at the instance of and to favour the Congress candidate the State Government directed the Deputy Commissioner not to take coercive steps to collect the land revenue. This Order was communicated to all the Tahsildars and the collection of the land revenue was suspended. It is submitted that the steps to suspend the collection of the land revenue were taken by the Government immediately after the nominations were accepted. The suspension was revoked by a telegram dated 29th March 1967, and therefore the telegram issued in January 1967 was deliberately intended to influence and interfere directly or indirectly with the free exercise of the electoral right of the voters. By this act of suspension of the Collection of the land revenue the people were led to believe that if they voted for the Congress candidate, land revenue would not be levied there after.

(c) The petitioner refers to a hand-bill dated 5th February 1967 purporting to have been issued under the name of one Kokebail Sanjiva Shetty who stood as a candidate for election to the Lok Sabha from the Udipi Parliamentary Constituency, and who was also a sitting member of the Mysore Legislative Assembly at that time. This leaflet a copy of which is marked as Exhibit P-13 has been distributed by the respondent and his agents during the elections By this act, the electors were misled into a belief that if they voted and elected the Congress candidate they need not pay land revenue. By this act the respondent is said to have committed corrupt practice coming within the provisions of Section 123(3) of the Act.

(d) The respondent and his agents have widely distributed pamphlets like Exhibit P-12 printed and published by the Shantinatha Press, Puttur, under the authority of the Congress Election Committee, which was intended to promote and further the election prospects of the respondent; by this pamphlet an appeal was made to the Muslim voters to vote for the Congress candidate on the ground that they enjoy religious freedom if they should vote for the Congress candidate. It is submitted that this appeal to the religious sentiments of the Muslim voters was done with a view to induce them to vote for the Congress It is further averred in paragraph 16 of the petition that at the instance of the respondent further pamphlets have been published describing the Jansangh as a Communal Organisation which is against the interests of the Muslim Community and that their religious freedom will be safe only under the Congress rule. It is submitted by the petitioner that the above conduct of the respondent is a corrupt practice under Sec. 123 (3) and 123 (3) (A) of the Act.

(e) It is averred that the Puttur Constituency abuts the Kerala State and a distance of six miles from Kerala-Mysore border within the State is described as Belt Area. It is stated that there are check-posts across the main road between the Kerala-Mysore border on the Mysore side where police officers are posted to see that people are prohibited from transporting any foodgrains irrespective of quantity to this Belt Area from the State of Mysore. The people in that area had a grievance about the existence of these gates as great hardship and inconvenience was caused to them. The respondent being aware of this, manoeuvred and prevailed upon the Deputy Commissioner and the concerned authorities to have the gates removed and shifted to the actual Kerala-Mysore border with a view to mislead the aggrieved electors in that area to believe that their removal to the border was permanent. The check-posts were shifted to the actual Kerala-Mysore border by an order of the Deputy Commissioner dated 31st January 1967. This act, it is submitted, was intended to unduly influence the electors and to further the election prospects of the

respondent. There appear to have been six such check-posts in the constituency which have been removed and shifted as mentioned above at different places. The respondent, it is alleged, in many of his speeches claimed that this had been achieved by him. It is also mentioned by the petitioner that immediately after the elections were over the gates have again been moved back to their old locations. It is stated that this action of the respondent shows that the help of the Government and its machinery was being freely utilised by the respondent for furthering his prospects as he belonged to the ruling party.

(*f*) The next corrupt practice alleged by the petitioner relates to the expenditure incurred by the respondent during the election. It is submitted that the accounts submitted by the respondent are incorrect, incomplete and not in accordance with Section 77 of the Act and the rules framed thereunder. It is stated that the accounts are not kept by the respondent in the manner enjoined by Sections 77 and 78 of the Act; he has not produced any vouchers or receipts to support the items of expenditure. Several items of expenditure have been omitted in the accounts submitted by the respondent. He has toured all over his constituency by car and he has incurred expenditure by arranging public meetings. It is submitted that the petitioner has reason to believe that the respondent has incurred expenditure for above the statutory limit and he has suppressed this fact.

For the above reasons the petitioner contends that the election of the respondent to the Mysore Legislative Assembly from the Puttur Constituency be held illegal and invalid.

3 (*a*). The respondent in his written statement has denied all the allegations made in the petition. He states that it is false to allege that the pamphlet Ex. P-1 was printed at his instance or that the same was meant for the purpose of being distributed in the various villages in the constituency. He has ascertained that these pamphlets were got printed and published by the Congress Election

Publicity Committee, Puttur, for being given to the Congress workers for their own use for enabling them to know the particular booths in respect of the particular villages in that constituency. He submits that there were about 10 to 12 honorary Congress Workers in each of the villages. The number of the villages in the constituency is given as 65. He has further ascertained that the Congress Election Publicity Committee, Puttur, had got printed 1000 such pamphlets and distributed about 900 such pamphlets to the Congress Workers in the various villages in the said constituency and that the remaining undistributed pamphlets were with one Abdul Khader, who has been examined as R. W. 4. The respondent denies that such pamphlets have been seen in the hands of voters of Puttur and other villages as alleged by the petitioner. He further submits that he learnt that the Congress Election Publicity Committee had asked the printer to print 1000 copies of the list of booths of the Puttur constituency and the material to be printed at the top and at the bottom were furnished to the printer. The printer was given the official publication of the list of booths published by the Deputy Commissioner *cum*-District Election Officer, dated 23rd January 1967 and was asked to print only Cols. 1 to 4 of that list. By mistake the printer has in addition to printing the particulars regarding booths included the name of the Deputy Commissioner and the District Election Officer that was found in the list of booths. He submits that the printing of this portion was not authorised by the Congress Election Publicity Committee, Puttur and the inclusion of the same in Exhibit P-1 is a *bona fide* mistake committed by the printer. It is further alleged that the number of pamphlets printed and published was very few and that the pamphlets were given only to the Congress Workers for their own use and reference and were not distributed to the voters; this did not in any manner interfere directly or indirectly with the free exercise of the electoral rights of the voters. The respondent further submits that no reasonable person reading the said pamphlet would get an impression that the same has been issued under the authority of the Deputy

Commissioner-*cum*-District Election Officer. The respondent further denies that there has been any misuse of the Governmental authority and machinery to further his prospects at the election.

(*b*) The respondent denies that he or his agents have got the land revenue collections suspended and that thereby committed any corrupt practice as alleged by the petitioner. The respondent also denies his having anything to do with the collection or suspension of land revenue. He further states that even otherwise this act does not constitute a corrupt practice. He states that he is not aware of the circumstances under which the telegram dated 25th January 1967 was sent to the Deputy Commissioner, South Kanara, in regard to the collection of land revenue. In fact he denies any knowledge with regard to the several steps taken by the revenue authorities in connection with the collection of land revenue.

(*c*) Regarding the issue of pamphlets by Kolkebail Sanjiva Shetty, the respondent states that neither he nor his agents had distributed to the electors of the Puttur constituency the hand-bill dated 5th February 1967. The respondent denies that the pamphlet was meant deliberately to mislead the voters and to believe that if they voted for the congress candidate, they need not pay land revenue.

(*d*) The respondent denies that the Congress Election Committee got printed and published any pamphlet in Shantinatha Press at Puttur and did so with a view to promote and further the prospects of his election. He further denies that he appealed to the religious sentiments of the Muslim voters. He avers that even if an appeal was made as indicated in the manner referred to by the petitioner, it does not amount to a corrupt practice. The respondent submits that what the pamphlet purports to do is to state that India is a secular State, where the Muslims enjoy the religious freedom which they do not enjoy in any other country and the Congress Party favours the retention of such freedom and therefore Congress ought to be preferred by the voters; such an appeal, it is contended does not

amount to an appeal to the religious sentiments and is not a corrupt practice under the Act.

(*e*) Regarding shifting of the gates, the respondent denies the allegation that he manouevred and prevailed upon the Deputy Commissioner and the concerned authorities to get the gates shifted and this misled the electors of those areas into believing that the removal of the gates was permanent. The respondent also denies that the action taken to remove or shift the gates was intended to unduly influence the voters and to further his prospects at the elections. He states that the shifting of the gates was as a result of public agitation. It is not denied that the gates have been shifted back. It is submitted that the gates have been shifted back to the old locations as an experimental measure for about three days. The shifting of the gates has been done by the Government and its subordinate officials in the usual course of their business. It is also denied that the Government and its machinery was used by the respondent to further his election prospects.

(*f*) In regard to the election expenses incurred by him, the respondent denies the allegation made by the petitioner. He states that he has produced vouchers in support of the expenditure incurred by him. He denies that he got printed any wall posters and incurred any expenditure, in that behalf. He also denies that he toured the entire constituency by car only. He states he has travelled by car and other conveyances. He states that the public meetings were organised by his supporters at the several places and that he has not incurred any expenditure in that behalf. He states that he has not incurred expenditure above the statutory limit. The allegation that he has suppressed the accounts is said to be false and cannot be accepted. Therefore, he submits that there has been no contravention of the provisions of Section 77 and that he has not committed any corrupt practice coming within the provisions of Section 123(6) of the Act.

For the above reasons he states that the petition is not sustainable and is liable to be dismissed.

4. on hearing the counsel, the following issues were framed :

1. Does the petitioner prove that the respondent has committed the following corrupt practices ?

(*a*) (i).—The respondent got printed and published a pamphlet produced along with the petition purporting to be dated 23rd January 1967 appealing to the voters of the Puttur Constituency to vote for the Congress and for the purpose of being distributed in the various villages comprising the Puttur Assembly Constituency and they were distributed freely and widely by the respondent and his agents. And, by the Publication of the impugned pamphlet majority of the voters in the Constituency has been influenced to vote for the respondent (Congress candidate) being under the belief that it is an exhortation by the Deputy Commissioner to vote for the candidat emention-ed in the pamphlet.

(*a*) (ii).—Does the publication and distribution of the above pamphlet constitute in law and in fact a corrupt practice, *viz.*, misuse of the Governmental Authority and machinery to further the prospects of the respondent and to unduly influence the voters to vote for him?

(*a*) (iii).—Do the above acts constitute corrupt practices under Section 123(2) and (7) of the Representation of People Act?

(*b*) (i).—The respondent and his agents got the land revenue payable by the end of January, Fubruary and March 1967 suspended by the State Government and the State Government did issue at the instance of the respondent and to favour the Congress Candidates a telegram dated 25th January 1967 referred to in paragraph 13 of the petition directing the Deputy Commissioner not to take coercive steps to

collect the land revenue and that the Deputy Commissioner in turn ordered all the Tahsildars to act accordingly.

(b) (ii) The said telegram dated 25th January 1967 issued by the State Government was deliberately intended to influence and interfere directly or indirectly with the free exercise of the electroral right of the voters by inducing the voters to believe that if they voted for the Congress Candidate, land revenue would not be levied thereafter;

(b) (iii) Whether the above acts constitute corrupt practices as contemplated under Section 123 (2) and (7) of the R.P. Act?

(c) (i) The respondent and his agents have widely and freely distributed to the electors of the constituency a hand-bill dated 5th February 1967 alleged to have been issued by one Kolkebail Sanjiva Shetty describing himself as a member of the Legislative Council and thus misled the electors into a belief that if they vote and elect the Congress Candidate they need not pay land revenue.

(c) (ii) Does the above act constitute a corrupt practice under Section 123 (2) of the R.P. Act?

(d) (i) The Congress Election Committee which was interested in promoting and furthering the election prospects of the respondent, under its authority got printed and published a pamphlet at Shanthinatha Press, Puttur, and appealed thereby to the Muslim voters to vote for the Congress Candidate for the reason that they will have their religious freed m which they were then enjoying in Bharat?

(d) (ii) Does this amount to an appeal to the religious sentiments of the people with a view to induce them to vote for the Congress?

(*d*) (iii) Do the above acts constitute corrupt practice under Section 123 (3-A) of the R. P. Act.

(*e*) (i) At the instance of the respondent pomphlets have been published describing the Janasangh as a Communal Organisation which is against the interests of the Muslim Community and that their religious freedom will be safe only under the Congress rule.

(*e*) (ii) Does the above act constitute a corrupt practice under Section 123 (3-A) of the R.P. Act?

(*f*) (i) The respondent manoeuvred and prevailed upon the Deputy Commissioner and the concerned authorities to have barrier gates (6 check posts) put up across the main roads at a distance of 6 miles from the Kerala-Mysore border on the Mysore side shifted to the actual Kerala-Mysore borders in an attempt to mislead the aggrieved electors in those areas into believing that their removal to the border was permanent.

(*f*) (ii) The Deputy Commissioner has issued written instructions to the Sub-Inspector of Police, Vittal, and other concerned places to remove and shift the gates as aforesaid and the above actions were intended to unduly influence the electors and to further the prospects of the respondent in the election.

(*f*) (iii) Are these acts in fact and under law corrupt practices within the meaning of the provisions of Section 123 (2) and (7) of the R.P. Act?

(*g*) (i) The respondent has failed to maintain a separate and correct account of the expenditure incurred for the election as set out in paragraph 20 of the petition and in contravention of Section 77 of the R.P. Act and Rule 86 of the Conduct of Election Rules, 1961, and that the

accounts submitted by the respondent are incorrect, incomplete and untrue and not in accordance with the above section and the Rules prescribed thereunder and that these acts constitute corrupt practice under Section 123 (6) of the R.P. Act ?

(*g*) (ii) The respondent has incurred expenditure much above the statutory limit of Rs. 6,000 and suppressed the same from his accounts as alleged in para 20 of the petition and thus contravened the provisions of Section 77 (3) of the Act and Rule 90 of the Conduct of Election Rules, 1961, and therefore has committed corrupt practices under Section 123(6) of the R. P. Act.

2. Is the petition barred by limitation ?

3. Is the election of the respondent liable to be delcared *void* under Section 100(1)(b) of the Representation of People Act for the reasons mentioned above ?

4. To what relief is the petitioner entitled ?

5. Sriyuths K. N. Mallaya, S. B. Swetadri and P. Ganapathy Bhat Advocates appeared for the petitioner and Sriyuths B. K. Ramachandra Rao and M. Gopala Krishna Shetty appeared for the respondent.

6. Seven witnesses have been examined by the petitioner and Exhibits P-1 to P-27(f) have been marked for the petitioner. Five witnesses have been examined by the respondent and Exhibits R-1 to R-6 have been marked for the respondent.

7. The petitioner has not pressed Issues Nos. 1(e)(i) and (ii) and the respondent has not pressed Issue No. 2. Therefore, it is only the other issues that arise for consideration.

8. The issues that arise for consideration in this case relate to the various corrupt practices which the

respondent is alleged to have committed. As to how the evidence in such a case should be considered, my attention is drawn by the learned respondent's counsel to the decision reported in A. I. R. 1964 S. C. page 1366 (Mohan Singh *V.* Bhanwarlal) in which the Supreme Court had laid down that:

> "The onus of establishing the corrupt practice is undoubtedly on the person who sets it up and the onus is not discharged on proof of more preponderance of probability, as in the trial of a civil suit ..... The corrupt practice must be established beyond reasonable doubt by evidence which is clear and unambiguous.'

The same view has been expressed by the Supreme Court in 1965 S. C. page 183 (Jagdev Singh *V.* Pratap Singh), wherein it is observed:

> "in the trial of an election petition, the burden of proving that the election of a successful candidate is liable to be set aside on the plea that he was responsible directly or through his agents for corrupt practices at the election,
>
> "election, lies heavily upon the applicant and unless it is established in both its branches, *i.e.*, the commission of acts which the law regards as corrupt, and the responsibility of the succesful candidate directly or through his agents or with his consent for its practice not by mere preponderance of probability, but by cogent and reliable evidence beyond any reasonable doubt, the petition must fail.

It is also pointed out by the respondent's counsel that the above observations merely reiterate what the Supreme Court stated in A. I. R 1957 S. C. Page 444 at Page 456 (Harish Chandra V. Triloki Singh), that:

> "It should not be forgotton that charges of corrupt practices are quasi-criminal in character, and that the allegations relating thereto must be

sufficiently clear and precise to bring home the charge sto the candidates."

Sri K. N. Mallaya, the learned counsel for the petitioner, submitted that the rigour of the above Supreme Court rulings has been diluted by the observations made by the Supreme Court in A. I. R. 1966 S. C. Page 773 (Jagjit Singh *v.* Kartar Singh), wherein it is stated that the charge of corrupt practice against a returned candidate has to be proved, satisfactorily. In paragraph 15 of the above decision it is observed that:

> "When an Election Tribunal deals with an allegation about the commission of corrupt practice by a returned candidate, the charges framed are in the nature of quasi-criminal charges. The proof of the charge has a double consequence ; the election of the returned candidate is set aside, and he incurs subsequent disqualifications as well. Therefore, when a charge of this kind is framed against a returned candidate, it has to be proved satisfactorily."

The Supreme Court has taken the same view as has been laid down in the earlier Supreme Court decisions. The submission that the view of the Supreme Court is changed by virtue of the decision in A. I. R. 1966 S.C. page 777 cannot be accepted.

9. The corrupt practice that is referred to in Issue No. 1 (a) (i) relates to the printing and publishing of a pamphlet which is dated 23th January 1967 and marked as Exhibit P-1 in the case. It is not disputed by the respondent that Exhibit P-1 was printed in the Janatha Power Press at Vittala by P.W. 1 at the instance of R.W. 4, B.A bdul Khader, acting Convener of the Congress Chunavana Prachar Samithi, for and on behalf of the respondent. The petitioner's contention is that Exhibit P-1 was printed on 23th January 1967 and was distributed in the villages of Puttur constituency since the last week of January 1967. The respondent disputes the

above statement and suggests that Exhibit P-1 could have been printed and delivered to R. W. 4 not earlier than 5th February 1967 and could not have been distributed amongst the voters as contended by the petitioner.

(*a*) P. W. 1 is the printer of Exhibit P-1. He says that Exhibit P-10 (k) the duplicate of the Bill dated 5th February relates to the printing of 100 copies of Exhibit P-1. He also also acknowledges the payment of the printing charges in respect of this item. This witness says that R. W. 4 who was a person working in the Congress Samithi Office at Vittala place the order for the printing of copies of Exhibit P-1. R.W.4 states that the order for printing of 1,000 copies of Exhibit P-1 was placed by him on 5th February 1967 and that within 2 or 3 days the printed copies of Exhibit P-1 were delivered to him by P. W. 1. From this the respondent's counsel wants me to infer that the order for printing was placed on 5th February 1967 and the copies could have been received about the 8th or 9th of February 1967. But, the petitioner's counsel relies on the date found in Exhibit P-1 and contends that copies of Exhibit P-1 were printed on 23th January 1967, the date found at the bottom of Exhibit P-1. P. W. 1 and R. W. 4 state that when the order for printing Exhibit P-1 was placed, Exhibit P-3 (a) was also given along with instructions for printing as contained in Exhibit P-3. Exhibit P-3 (a) is the list of Polling Stations, issued by the Deputy Commissioner under the provisions of Section 25 of the Act. This is dated 23rd January 1967. It is admitted by the respondent and also by R. W.4 that Exhibit P-3 (a) was received by them but they are not aware of the exact date of receipt. From the fact that Exhibit P-1 bears the same date as Exhibit P-3 (a) it cannot be inferred that Exhibit P 1 was printed on 23rd January 1967. Exhibit P-3 (a) could have been delivered to P. W. 1 for the purpose of printing subsequent to 23rd January 1967. It is also probable that the copies of Exhibit P-1 were delived on 5th February 1967 the date of the Credit Bill Exhibit P-10 (k). Therefore, there is, no definite proof that copies of Exhibit P-1 were available for distribution in the last week of January 1967.

(*b*) Regarding the distribution of pamphlets like Exhibit P-1, the learned counsel for the petitioner relied upon the evidence of P. Ws. 2, 3, 4, 5 and 7, while the respondent's counsel contends that the evidence of these witnesses is unreliable and cannot be acted upon. It must be noticed that in paragraph 7 of the petition, the petitioner states that pamphlets like Exhibit P-1 were freely and widely distributed by the respondent and his agents and that the petitioner has seen these pamphlets in the hands of voters in Puttur, Panaje, Kanyana villages and various other villages in the constituency. Comments were made by the respondent's counsel that it would not have been difficult for the petitioner to state who distributed the pamphlets and also mention the names of the villages of the constituency where he saw such pamphlets. P. W. 2 is a hotel-proprietor at Puttur. He says that two Congress volunteers came to his hotel and delivered 50 copies of Exhibit P-1 saying that they were issued by the Deputy Commissioner and District Election Officer of South Kanara and that he should tell his customers that they should vote for the Congress candidate. It is commented that there is no reference in the petition regarding the statements made by the two Congress volunteers, while delivering 50 copies of Exhibit P-1. The names of the volunteers are given for the first time by this witness. The nonmention of the names of the volunteers who distributed the pamphlets to P. W. 2 in the petition is pointed out as an additional circumstance that the petitioner is building up the story, by examining the witnesses to suit the indefinite averments made in the petition. This witness states that Abdul Khader and Vijaya Kumar distributed copies of Exhibit P-1 in his hotel. Vijaya Kumar is not examined. This witness further states that in a public meeting which he attended, one S. C. Naik complained that a pamphlet like Exhibit P-1 ought not to be issued by any party. This S. C. Naik has not been examined. The evidence of the above two would have been valuable to support the case that the copies of Exhibit P-1 were distributed. In his cross examination this witness gives inconsistent answers in regard to the display of Congress election placards in front of his hotel.

In one place he states that the placards of Jansangh, the Independent Party and the Swatantra Party candidates were exhibited in front of his hotel and there were no other posters besides these. But in the earlier part of his deposition he states that the posters of Jansangh Party, Congress Party and of Memiraj of Swatantra Party were kept in front of his hotel. Obviously his later answer is the correct answer. No placard of the Congress Party was displayed in front of his hotel. It is also suggested that he is a member of the Jansangh Party. It is also pointed out that one Mudraje Ishwarabhat was present when copies of Exhibit P-1 were given to him by R. W. 4. This Mudraje Ishwarabhat has not been examined. I find it difficult to accept the evidence of this witness as disinterested. P. W. 3 is a resident of Volkatte Village of Vittala Firka. He states that copies of Exhibit P-1 were distributed in his village by R. W. 4, Kantappa Alva, and other volunteers. Kantappa is not examined. No mention of this village is made in the petition. This witness swears that copies of Exhibit P-1 were given to his hands by some volunteers when he was in the shop of one Ishwar. That Ishwar is not examined. It is gathered from his evidence that copies of Exhibit P-1 had been distributed house to house in Kepu village and there are 1,000 houses in the area of Kepu village. He says that he has not seen copies of Exhibit P-1 anywhere else. His statement that copies of Exhibit P-1 were delivered house to house in Kepu village cannot be accepted, as only 1,000 copies had been printed and were available for distribution. I cannot ignore the fact that R. W. 4 has produced 95 copies of Exhibit P-1 into court, as remaining unused out of the 1,000 copies printed. In the cross-examination of this witness it is elicited that the number of Congress workers may be 900. Hence only about 800 copies of Exhibit P-1 could have been distributed. P. W. 4 is the election agent of Rama Bhat, the Jansangh Candidate for whom the petitioner was working. This witness swears that copies of Exhibit P-1 were being distributed by Congress volunteers. He says that he saw copies of Exhibit P-1 being distributed in Kanyana, Karopadi, Poonacha, Mani, Kuriya and Madanur villages. I should

be noted that except Kanyana the names of other villages do not find a place in the petition. He says that he saw copies of Exhibit P-1 in all the villages 4 or 5 days after filing the nomination papers. The last date for filing the nomination paper was 20th of January 1967. Therefore, the evidence of this witness amounts to saying that on or about the 24th or 25th of January 1967, he saw copies of Exhibit P-1 in all the villages. This would be impossible in view of the fact that even according to the petitioner the order for printing copies of Exhibit P-1 was placed on the 23rd of January 1967 and according to R. W. 4 the copies of Exhibit P-1 were given to him by P. W. 1 two or three days after the order was placed. But, as I have already observed, the copies of Exhibit P-1 could have been delivered on 5-2-1967. His statement that he went alone to the villages where he saw copies of Exhibit P-1 and that none accompanied him is also hard to believe. Similarly his statement that he saw copies of Exhibit P-1 in the end of January 1967. This witness says that, regarding the distribution of copies of Exhibit P-1 and the effect of it on the electors. He has spoken to the petitioner and also to Rama Bhat. Rama Bhat is not examined. This, it is pointed out by the respondent, as a very glaring omission. Rama Bhatta could have given evidence regarding distribution of copies of Exhibit P-1 and also corroborated the evidence of P. W. 4. P. W. 5 is a resident of Kolithige village. Admittedly he is the brother of R. W. 1 K. Balakrishna. He says that he saw leaflets like Exhibit P-1 and those were delivered at his place by some Congress volunteers and by the Chairman of the Panchayat canvassing for the respondent. The Chairman referred to by him is no other than his own brother. He says that he saw Exhibit P-1 at Keyyur, Paltuadi and Kethambadi villages. None of the villages are mentioned in the petition. He denies the suggestion that he is the Chief Sanchalak of R. S. S. (Rashtriya Swayamsevak Sangh) in his village. He says that he has told several people in his village that copies of Exhibit P-1 were given in his house and he has asked others if copies of Exhibit P-1 were distributed to them also. It is un-understandable why he should do so unless it be that he

is adversely disposed towards the Congress candidate and interested in the Jansangh candidate. The evidence he gives with regard to his visit to his brothers-in-law at Keyyura and Palthady and the relation of his at Kalambari is very artificial. Further, his statement that his brother-in-law at Keyyura showed him a copy of Exhibit P-1 and that he saw a copy of Exhibit P-1 with one Babu Gowda who had come to see his brother-in-law at Palthadi appears to be very unusual. His brother-in-law at Palthadi appears to have been ill and seven or eight people had come to see him. At such a time it is improbable that this witness would have seen the copies of Exhibit P-1. It is also difficult to accept the evidence of this witness regarding his visit to Kadembadi. He deposes in one place that he was travelling to Puttur from his place when the bus in which he was travelling went out of order and in another place he states that the bus in which he was travelling from Puttur to his place went out of order. His conduct in asking Chennappa Gowda whether he had received leaflets similar to Exhibit P-1 also discloses that the evidence of this person is not disinterested.

(c) The next witness referred to by the petitioner is P.W. 7 the petitioner himself. It is gathered from his evidence that he saw the respondent distributing pamphlets like Exhibit P-1 at Puttur. There is no mention of this in his petition. He says that he was in a shop called "Popular News Agency" of which one Hola is the proprietor. Hola is not examined. P.W. 7 also states that he saw the respondent in other shops also distributing copies of Exhibit P-1. He has also seen copies of Exhibit P-1 being distributed in other villages in the constituency and in particular saw distribution of the pamphlets in Balguri in Irde village. He says that he saw copies of Exhibit P-1 in the Bar Association where the members of the Bar were discussing about the propriety of issuing a pamphlet like Exhibit P-1. It is commented that no member of the Bar has been examined to speak to the fact of distribution of the pamphlets. The petitioner is a member of the Bar and he is a junior of Ram Bhatt, the Jansangh candidate.

The petitioner is also a member of the R. S. S. since 1962. *Prima facie* is evidence, like that of P. W. 4, is interested and therefore it is not unreasonable to expect corroboration of the evidence of these persons by other independent evidence which is available in this case before their evidence is accepted. This has not been placed before the court. The petitioner says that he collected copies of Exhibit P-1 one from the Bar room, the second given to him by the respondent during distribution and the third in the office of the Jansangh. He also remembers the names of a number of voters to whom copies of Exhibit P-1 were distributed. None of them has been examined in the case. The fact that only 1000 copies of Exhibit P 1 were printed improbabilises the vast distribution that has been spoken to by the petitioner and his witnesses. R. Ws. 3 and 4 state acknowledgments have been taken from those Congress workers to whom copies of Exhibit P-1 were delivered. But such records are not placed before court. It was submitted by the learned counsel for the petitioner that an adverse inference must be drawn that the copies of Exhibit P-1 were distributed indiscriminately. If there was no other evidence to the contrary of there were no circumstances improbalising such distribution, the submission of the petitioner's counsel could have been accepted. But, the position is different in this case. The petitioner's counsel also referred to the allegation in the written statement that there are 65 villages and in each village there were 10 or 12 Congress workers in each of them and commented that this statement is false and is put into conform to the number of copies of Exhibit P-1 got printed. The number of villages is said to be only 51 and the number 65 is an obvious mistake. In view of my foregoing discussion, this contention of the petitioner's counsel cannot also be accepted. From the above discussion in regard to the probative value to be attached to the evidence of the evidence of the several witnesses and the several circumstances adverted to above, the contention of the respondent that pamphlets like Exhibit P-1 were not distributed as alleged by the petitioner has much force.

(b) Another circumstance that has been emphasised by the petitioner's counsel is that the Deputy Commissioner has not protested against the issue of leaflets like Exhibit P-1 by the respondent. It must be noticed that a copy of Exhibit P-1 was sent to the Deputy Commissioner along with Exhibit P-3 by P. W. 1 on 4th March 1967. Therefore, there was no occasion for the Deputy Commissioner to raise any objection. Further, there is no obligation laid on him to object the issue of any pamphlet by the candidates. In any event, the failure of the Deputy Commissioner to raise objection does not lead to any inference of his being a party to the issue of a pamphlet like Exhibit P-1. There is absolutely no evidence to show that the Deputy Commissioner knew anything of Exhibit P-1 prior to the date of polling.

(c) The respondent's counsel invites my attention to the evidence with reference to the object of printing a pamphlet like Exhibit P 1 and to the distribution of it only amongst the Congress workers. In this connection my attention is drawn to Exhibit P-3 in which printing instructions are given to P.W. 1. A scrutiny of Exhibit P-3 indicates that there is no instruction in it to include name of the Deputy Commissioner in the matter to be printed. What is mentioned in Exhibit P-3 is set out only the four columns as found in Exhibit P-3 a). It is argued that the insertion of the name of the Deputy Commissioner in Exhibit P-1 is a mistake on the part of the printer. This is what has been mentioned in paragraph 5 of the written statement The Respondent states that he had not seen pamphlets like Exhibit P-1 during the election campaign and that it is only after the election petition was filed that he came to know that leaflets like Exhibit P-1 had been published and he denies that he distributed copies of Exhibit P-1 either at Puttur or at any other place. The respondent further says that the leaflets like Exhibit P 1 were meant only for distribution to Congress workers who were assisting him in the election campaign. As I have already observed, there is no reliable evidence to indicate that the respondent distrubued the pamphlets like Exhibit P-1 amongst the voters. But, I am unable

to accept the evidence of this witness professing ignorance of the issue of Exhibit P-1 during the course of the election campaign. In any event he cannot disown the responsibility for the issue of Exhibit P-1. Sri B. K. Ramachandra Rao also does not contend that the pamphlet was not issued by the Congress Chunavana Prachar Samithi, Puttur, which had been authorised to issue pamphlets on behalf of the Congress Candidates. The fact that only 10 0 copies of Exhibit P-1 were printed while the number of voters in the constituteney is 66,844 indicates that the intention of R.W. 4 in getting copies of Exhibit P-1 printed was for the distribution amongst the workers only.

(f) The respondent's counsel further submits that the contents of Exhibits P-1 *per se* do not interfere with the free exercise of the electoral rights of the voters. The top portion of Exhibit P-1 which is marked as Exhibit-P.1 (a) contains an appeal to the voters to cast their votes in favour of the Congress candidates. Under Exhibit P-1 (a) particulars of the Polling Booths "ಮತಧಾನ ಕೇಂದ್ರಗಳವಿವರ" are given and at the end of the list of Booths, the name of the Deputy Commissioner and the date and place are also mentioned. This appears to have been copied from Exhibit P-1(a) Exhibit P-1 (b) at the bottom of Exhibit P-1 also contains an appeal to elect the Congress candidate and the appeal is made by the Chunavana Prachar Samithi. It must be recorded that the inclusion of the name of the Deputy Commissioner in the Pamphlet Exhibit P-1 was not proper, quite apart from the fact that the said inclusion is unintentional. It is urged that a proper reading of Exhibit P-1 does not indicate that the Deputy Commissioner desired the voters to cast their votes in favour of the Congress candidate. Exhibit P-1(a) and Exhibit P-1 (b) are appeals by the Congress Chunavana Prachar Samithi and they contain an appeal to the voters to vote for the Congress candidate. This is not questionable. "ಮತಧಾನ ಕೇಂದ್ರಗಳ ವಿವರ" (particulars of polling booths) consisting of four columns is shown as above the name of the Deputy Commissioner. Notwithstanding this there is much force in

the contention that to read Exhibit P-1 to imply an appeal by the Deputy Commissioner to vote for the Congress candidate would be to strain the contents of Exhibit P-1. But, the inclusion of Deputy Commissioner's name ought to have been noticed by R.W. 4 or the respondent. The respondent and his witness R.W. 4 who were responsible for printing Exhibit P-1 have not taken requisite care to see that the pamphlet is properly printed in accordance witht the instructions given to the printer is evident. R. W. 4 has not even seen the proof Exhibit P-2 before Exhibit P-1 was finally printed. R. W. 4 ought to have withdrawn the pamphlets like Exhibit P-1 when they did not conform to the order placed by him and contained a mistake. It is as a result of their gross negligence that the name of the Deputy Commissioner got into Exhibit P-1. Though it may be that there is no interference with the free exercise of franchise by the voters, it cannot be said that the pamphlet Exhibit P-1 is absolutely devoid of any effect on the electorates if issued on a large scale, and the complaint made by the petitioner with reference to Exhibit P-1 is not without foundation, especially in view of the fact that the petitioner was not aware of the number of copies of Exhibit P-1 got printed by R. W. 4.

(g) The respondent's counsel next pointed out that there is no proof of either the candidates or their agents having approached the Deputy Commissioner before the issue of Exhibit P-1 nor is there a wisper of the Deputy Commissioner having consented for the issue of a pamphlet like Exhibit P-1. I have already mentioned that the alleged ommission of the Deputy Commissioner to protest against the issue of Exhibit P-1 does not in any manner indicate his consent. In these circumstances, I come to the conclusion that Exhibit P-1 was not distributed freely and widely by respondent and his agents amongst the voters of the Puttur Constituency. Further, I hold that the voters could not have been influenced by Exhibit P-1 being under the belief that it was an exhortation by the Deputy Commissioner to vote for the respondent, referred to in the pamphlet. I also find that by the issue of the pamphlets

the respondent or his agents have not obtained or procured any assistance of the Deputy Commissioner to further the prospects of the respondent. Therefore, my findings on Issue Nos. 1 (a) (i), (ii) and (iii) are against the petitioner.

10. (a) The next issue relates to the subject of land revenue. It is undisputed that the land revenue in the Puttur Constituency was payable in three instalments, by the end of January, February and March, 1967. In paragraph 12 of the petition it is urged that the respondent and his agents got the land revenue collection suspended and thus committed corrupt practice and for this reason his election is to be set aside. This is amplified in paragraph 13 of the petition. The respondent denies the aforesaid allegation. The earliest document in this connection is Exhibit R-3 dated 9th December 1966 from which it is clear that the question of abolishing land revenue was being examined by the State Government and a Committee was appointed to study the problem and to send proposals to Government P.W.4 in his evidence states that there was agitation for the reduction of land revenue and in 1965 the land revenue had been doubled. Whether effect must be given to the levy of revised rates of land revenue and water rate was duly considered by the Government. The Government had also learnt that notices had been issued to the landholders to pay land revenue and water rate at the enhanced rate. It is not disputed that the land revenue had been enhanced and the enhancement had almost been equal to the existing levy of land revenue. The Government in those circumstances opined that it is better to postpone the recovery of the enhanced land taxes till the end of March 1967 and it was ordered that necessary instructions may be issued to the Deputy Commissioners of all the Districts not to issue notices for the recovery of enhanced rates of land revenue and water rate and wherever notices had been issued, to postpone recovery till the end of March 1967 and at any rate not to take coercive proceedings till then. In pursuance of this decision of the Government, a telegram marked Exhibit P-16 was issued on 12th December 1966 by the Revenue Secretary to Government to the Deputy Commissioner, South

Kanara, asking him to instruct immediately all the Tahsildars of his District to stop issue of notices for the recovery of the revised rates of land revenue and water rate till the end of March 1967. It is seen from Exhibit P-21 that on 18th January 1967 one Sri Kokebail Sanjiva Shetty, M. L. A, requested the Revenue Secretary over the trunk phone to issue telephonic instructions to the Deputy Commissioner, South Kanara to suspend the steps that were being taken. In pursuance of the orders of the Revenue Minister, a telegram was issued by Revenue Secretary to the Deputy Commissioner, South Kanara, as per terms of Exhibit P-18 dated 26th January 1967, drawing attention to Exhibit P-16 and instructing him that it should be implemented strictly and no issue of notices or coercive processes should be taken for the recovery of land revenue and water rate till the end of March, 1967. It is clear that the respondent had nothing to do with the issue of either Exhibit P-16 or Exhibit P-18. As seen from Exhibit R-5, the question of revocation of the instructions issued earlier was taken up for consideration in the middle of March 1967. The matter was placed before the Cabinet appears to have taken a decision that the instructions issued to the Deputy Commissioners of the Districts should be withdrawn and they should be directed to take up the collection work and make recoveries as usual. In pursuance of this a telegram as per terms of Exhibit P-17 was issued on 21st March 1967 by the Revenue Secretary informing the Deputy Commissioner, South Kanara of the withdrawal of the telegrams Exhibits P-16 and P-18 and instructing him to take up the collection work and make recoveries as usual. The telegrams cannot be isolated from the proceedings which give rise to them. From the documents that I have referred to above, it is clear that the respondent had nothing to do with the issue of the telegrams referred to above.

(b) The next aspect brought to my notice is that the respondent in his speeches during the election campaign referred to the question of land revenue and claimed that it is at his instance that the collection of land revenue in South Kanara was suspended and that he also assured the

audience that had assembled to hear him that the levy of land revenue would be permanently abolished. In this connection a reference is made to the evidence of P. W. 2 who says that in his speech the respondent gave assurances that land revenue need not be paid and that instructions in this regard have been issued by the concerned officials at his instance and that if there should be any demand of land revenue complaint might be made to him. It is contended by Sri B. K. Ramachandra Rao, the learned counsel for the respondent, that in the first place it is improbable that this witness could have been present at the meetings addressed by the respondent in the premises of the Town Bank at Puttur. I have already commented about this witness. It should also be noticed that there is no record of the speech alleged to have been made by the respondent. Even taking the witness's version with regard to the respondent's speech, what it amounts to is merely a statement of fact relating to the steps taken by the Government and the instructions issued by the Revenue Secretary to the Deputy Commissioner and in turn by the Deputy Commissioner to his subordinate Officers. This cannot be said to be an attempt on the part of the respondent to influence the voters to vote for him. It is only a reference to the policy of and the steps taken by the Government. P.W. 3 also refers to a speech made by the respondent and by which he told the audience that he was trying with the Government for the suspension of the collection of land revenue. This is again a statement of his aim and cannot be construed as an interference with the free exercise of the electoral rights of the voters. From the evidence of P.W. 4 referred to earlier it is clear that the public were feeling the weight of the levy of land revenue and were agitating against the enhancement. Therefore, it is that the matter received the attention of the Government and the orders Exhibits R-3, R-4 and R-5 came to be passed. P.W. 4 who is alleged to have attended a meeting held at Mani where the respondent spoke says that the respondent stated that by his interceding the Government have passed order suspending the collection of the land revenue from that year. This statement is only a wrong surmise in view of the Secretariat records to which reference

has been made earlier. The evidence of P. W. 7 is also similar. The petitioner states that in the meeting at Eswara Mangala the respondent stated that by his intercession he caused the suspension of land revenue and communication to be sent in this regard by telegram. The claim alleged to have been made by the respondent is not borne out by the records I have referred to earlier. In any event, if the candidate feels that the particular benefit has been secured to the people at his intercession it does not amount to any undue influence interfering with the free exercise of their electoral rights. What the law prohibits is undue influence and not influence of any other kind. The very idea of an election campaign and canvassing implies that an attempt is made to influence the voters to cast their votes in favour of one candidate or another. It is open to the candidates to place before the electors their past achievements and also policies and the programme that they propose to put through if they should get into power. Issue of Election Manifestos is an established and common practice adopted at Elections. Hence what the respondent is alleged to have said in his speeches does not come within the purview of undue influence as detailed in Section 123 of the Act. Merely because the orders in respect of the suspension of collection of land revenue and water rate were issued by the Government during the pendency of election, it does not lead to a conclusion that the respondent had committed corrupt practice or that he obtained or procured the assistance of any other person in the service of the Government as categorised in Section 123(7) of the Act. A reference in this connection to a decision in A I.R 1962 Punjab page 129 (RAM PHAL V. BRAHAM PARKASH) would be useful. The learned Judges in the above case observe :

> "In a Welfare State, like ours, where the popularly elected representatives of the people hold reins of the Government and run the State administration solely for the general benefit of the people, it is only fit and proper that those in power actually and promptly react to the needs and

demands of the people whose chosen representatives they profess to be. This basic and fundamental principle appears to me to underlie proviso (b) to Sec. 123(2). If the Home Minister in 1957 felt that a provision of law imposing tax on certain commodities was in fact too harsh and called for relaxation in pursuance of the legitimate demands of the tax-payers concerned, then I fail to see how the fact that the Minister concerned favourably reacted to the just needs and demands of the people can possibly be construed to amount to a corrupt practice or undue influence. This public action may have influenced some voters in their decision as to or for whom they should vote but it can hardly be described to be undue influence.

The appellant however, contends that if such a conduct likely to influence the voters then it is most unjust and unfair on the part of the party in power to give relief at a psychological moment which is calculated to put the other candidates at a disadvantage. I may state here that the Election Tribunals and this Court are not concerned with the policy of the law. We have to see what the statute says and if the facts on the present record do not fall within the four corners of the statutory definition of undue influence the charge of corrupt practice of undue influence must fail. In this connection one has to keep in view the rule that an election contest is unlike a suit under the ordinary law of the land and no equitable consideration arises in the trial of such a contest."

The next decision to which a reference may be made is the one reported in A.I.R. 1961 Panjab at page 241 (S. Mehar Singh v. Umrao Singh), in which Falshaw J. makes the following observations:

"Eight witnesses have appeared and alleged that Mehar Singh had promised that he would ge

the allotment of lands of Bahawalpuri displaced persons in Faridkot Tehsil cancelled and instead get them land allotted in Tehsil Sirsa and get the valuation of their lands in Bahawalpur State revised by Government in case they voted for him, and on the 7th or 8th of March he actually caused the Revenue Minister, Mr. Harcharan Singh, to visit some villages to support him in his promise.

It is however, clear, as the learned Tribunal has observed that this demand of the Bhavalpuri refugees as a body was of long standing, and their grievances, if any, could only be met by the Central Government, and I agree with the view of the learned Tribunal that even if the candidate did make a promise that he would try to get grievances remedied and got the Revenue Minister to reinforce his promise, this amounts to only a promise of public action and not individual benefit to such persons as the promise was made to (Sic). In my opinion it was correctly found that this did not amount to a corrupt practice".

Therefore, in the circumstances mentioned earlier, the steps taken by the Government for the suspension of the recovery of revised rates of land revenue and water rate or for the revocation of such suspension were within the scope of the Governmental business and cannot be said to be actuated by ulterior motives. There is also no material to connect the respondent with the action taken by the Government. It must also be noted that the action of the Government was not confined only to South Kunara but to other areas also. Hence, my finding is that the telegram dated 25th January 1967 was not issued at the instance of the respondent nor was the suspension of the land revenue at his instance. No attempt was made by the respondent to cause the State Government to issue any telegram with the intention of influencing or interfering with the free exercise of the electoral rights of the voters. Therefore, my findings

on Issues Nos. (1)(b)(i)(ii) and (iii) are against the petitioner.

11. The next issue relates to Exhibit P-13. Exhibit P-13 is a printed hand-bill purported to have been issued by one Kokebail Sanjiva Shetty. There is no evidence connecting the respondent with this leaflet. Apart from the evidence that leaflets like Exhibit P-13 were distributed by Congress Volunteers and at meetings addressed by the respondent and also others, there is no other evidence to indicate that the respondent was aware of the publication of a leaflet like Exhibit P-13. There is no proof as to who got it printed and at whose instance, or how many copies of the same were printed. Further, it does not contain any appeal to the voters to vote for any particular candidate. It merely states that land revenue need not be paid. This does not amount to undue influence. Evidence in regard to the distribution of leafllets like Exhibit P-13 is the same as with respect to the distribution of leafllets like Exhibit P-1. I have already commented on this evidence with reference to Exhibit P-1 and have come to the conclusion that the evidence cannot be acted upon. The same reason must hold good in regard to Exhibit P-13 also. For the above reasons, my conclusion is that the hand-bills like Exhibit P-13 were not distributed by the respondent and his agents and even if there was such a distribution it has not misled the electors into a belief that if they voted and elected the Congress candidate, they need not pay land revenue and such belief has in any manner interfered with the free exercise of the electoral right of the voters. For these reasons, I hold Issue Nos. 1(c) and (ii) against the petitioner.

12. (a) The next document that is referred to is Exhibit P-12 which is the one that is the subject matter of Issues Nos. 1(d) i (ii) and (iii). With reference to Exhibit P-12 the petitioner has examined P.W. 6 who is said to be the printer of the same. The leaflets appear to have been published by the Congress Chunavana Prachar Samithi, Puttur. P.W. 6 in his evidence states that 2000 copies of

Exhibit P-12 were printed in his press at Puttur. He also states that one Narayan Master furnished the matter for printing. He has not produced the original matter furnished to him by the aforesaid Narayan Master. There is no evidence to indicate what position Narayan Master held in the Chunavana Prachar Samithi. Narayan Master is not examined. There is no reliable evidence to show as to who paid the bill in connection with the printing of the said leaflets. Apart from P.W. 6. there is no other witness who speaks about the printing of Exhibit P-12. The other witnesses only speak about the distribution of leaflets like Exhibit P-12. The evidence relating to this is that of P.Ws. 2. 4 and 7. I have already commented on the probative value to be attached to the evidence of the said witnesses. It is significant to note that the printer has not submitted a declaration to the Deputy Commissioner as required under Section 127 A of the Act. It is not contended by the petitioner that the publication and distribution of Exhibit P-12 comes within the purview of Section 123(3)(A) of the Act. But, it is contended that by the aforesaid acts of printing and distribution of leaflets like Exhibit P-12, there was undue influence on the voters. Therefore, it remains to be examined whether this document could be brought within the purview of Sec. 123 (2) of the Act. Exhibit P-12 incorporates an item of news dated 11-2-1967 published in the issue of the Samyukta Karnataka Newspaper dated 12-2-1967. This item of news is that the Keralas Ahamadiya Muslim Association has appealed to the Muslim Community to support the Congress Party in the coming elections. The matter that is found in bold print in Exhibit P-12 means that the religious freedom that is given in India is not found even in any Muslim State. This is followed by an appeal that for this reason alone Congress should be put in office again. This is the appeal by the Kerala Ahamadiya Muslim Association. The respondent in his evidence states that he has not seen the copies of the leaflets like Exhibit P-12 distributed during his election campaign. It is submitted that even the contents do not amount to any appeal on the ground of religion to bring undue influence on the Muslim

voters. The contents of Exhibit P-12 do not amount to anything more than emphasising the secular character of our Constitution. This is mentioned as one of the reasons why the Congress Party should be put in power. The petitioner's counsel argued that by implication it means that if any other party is brought into power the freedom of religion of the Muslim community will be in danger. I do not think that such a conclusion can be drawn from Exhibit P-12, at best it is only an inference and not the only inference possible. The evidence with regard to the distribution of this pamphlet is the same as with regard to Exhibits P-1 and P-13 and therefore the same comments that I have made in that connection hold good in respect of Exhibit P-12 also.

(b) Another way in which the petitioner attributes an attempt to unduly influence the Muslim voters is with reference to the speeches that the respondent made during his election campaign. P Ws. 2, 4 and 7 speak about the said speeches. They are all speaking from memory. P.W. 2 states that in his speech at a meeting held at Puttur where the Chief Minister also addressed the respondent is alleged to have told the audience that Muslims could enjoy their religious liberty only if they returned the Congress candidates, and their position would not be safe under any other administration. It is pointed out by the respondent's counsel that there is no reference to this particular speech in the petition and further it is contended that this by itself would not amount to any interference with the free exercise of the electoral rights of the voters. P W. 4 in his evidence states that while addressing a meeting held at Mani, the respondent told the Muslim voters that if they wanted protection for their religious liberty, they should vote for the Congress. P.W. 7 states that copies of Exhibit P 12 were being distributed amongst the voters and that the Muslim voters were being told that their position would be safer under the Congress administration. This also does not amount to undue influence on the voters so as to amount to interference with the free exercise of their electoral rights. While referring to the evidence of

the witnesses who speak about what the respondent stated in his speeches, it must be noted that the exact wordings of what the respondent stated in his speeches are not given in the petition nor do the witnesses give the exact wordings. In this connection I may refer to the following observations made by the Assam High Court in 17 E.L.R. page 243 (BIRESH MISRA *v.* RAM NATH SARMA).

> "In cases where the nature of corrupt practice depends upon the words used by the candidate at a meeting, oral testimony in support of the actual words used must be viewed with great care and caution, and, apart from the fact whether certain words were used or not, unless the entire context of the speech is before the Tribunal, isolated words, even if proved, may not give a true import of the speech, and would not be sufficient to prove the commission of the corrupt practice of undue influence".

At best what has been said by PWs. 2 and 4 in their evidence merely amount to an expression of opinion by the respondent and does not amount to a threat or interference with the free exercise of the right of voting within the meaning of Section 123(2) of the Act. Therefore, my findings on Issue Nos. 1 (d) (i), (ii) and (iii) are against the petitioner.

13. The next subject with reference to which a further corrupt practice is alleged by the petitioner relates to the shifting of barrier gates or check-posts put up across the main roads at a distance of six miles from the Kerala-Mysore border on the Mysore side. The petitioner's counsel in this connection invited my attention to Exhibit P-21. Exhibit P-21 is dated 31st January 1967. It is a letter addressed by the respondent to the Chief Minister while he was camping at Mangalore. In this letter the respondent states that the location of the check-gates have been creating good deal of hardship to the people of the area; that these have been explained to the Chief Minister on several occasions and that he had agreed

to move the check-gates from their present location to places one mile away from the Kerala border. The respondent therefore requested that suitable orders be issued to the Deputy Commissioner. Under Exhibit P-21(a) the Chief Minister has made an order as follows:

> "This may be done and tried for a month from tomorrow 1st February 1967 to end of month."

Exhibit P-22 dated 1st February 1967 shows that the South Kanara District Vigilance Committee had resolved at its meeting held on 17th January 1967 that the check-posts referred to in Exhibit P-22 be shifted from their present location to other places. And the Chief Minister had also passed an order to the same effect on 31st January 1967, as mentioned earlier. Referring to Exhibit P-23 it is pointed out by the petitioner's Counsel that the check-posts were shifted back in March 1967 to their original places. The petitioner's counsel argues that the above circumstances indicate that the object of shifting the check-posts at the psychological period, *viz.*, election period indicates the intention of the respondent to secure the votes of the electors in the area called the "Belt Area", *i e*, the area comprising a distance of five miles in the Mysore State from the Kerala border, adjoining the Puttur Constituency. It is submitted that these acts of the respondent and the officers concerned have unduly influenced the electors to futher the prospects of the respondent in the election. From Exhibit P-20 dated 31st January 1967 it can be gathered that the South Kanara District Vigilance Committee had on 17th January 1967 resolved that the check-posts referred to in it should be shifted from their present location to other places mentioned therein, with effect from 1st February 1967, for one month on a trial basis. Exhibit P-20 also refers to the order of the Chief Minister Exhibit P-21 (a). In this connection my attention was also invited to the evidence of P Ws. 3, 4 and 7. P. W. 3 deposes that the respondent in his speech at Vittala assured the audience that he would attempt the shifting of the check-posts five miles further towards the Kerala Border as the present location of the same is causing

trouble to the people. Further, this witness states that from February the check posts were shifted from Ukkada place to Saradaka. On 29th February 1967 the check-posts were shifted to their original place at Ukkada. After remaining there for 3 days it was again shifted to Sardaka where they were for three months *i.e.*, March, April and May 1967. Then again they were shifted to Vittala Village. Thus, it appears that the shifting has been taking place at intervals and this is not attributable to any intention on the part of the Government to interfere with the free exercise of the electoral rights of the voters, but to meet the exigencies of the situation relating to the control of transport of food-grains from the Mysore State to the Kerala State This conclusion is also supported by the evidence of P.W. 4 who corroborates the evidence of P.W 3 and states that the respondent assured the audience that he would cause the shifting of the check-posts. P.W. 7 says that he heard the speech of the respondent at Eshwara Mangila where the respondent is alleged to have stated that he caused the issue of an order to shift the gates. Taking the evidence of these witnesses together, it merely means that the respondent assured the audience that he would secure the benefit to the people of the locality. It cannot be inferred that by this the discretion of the voters was in any manner interfered with. As long as the securing of the benefit is not made a condition, on the voters exercising their electoral rights in a particular manner, there can be no interference with the free exercise of the electoral rights of the voters. A mere assurance of a candidate that he would secure the relief to the voters or a statement by him that a particular relief was got to the voters on account of his intercession does not by itself amount to undue influence under Section 12 (2) of the Act. Further, the circumstances mentioned above also do not support the contention that the respondent obtained or procured any assistance from the Deputy Commissioner for the furtherance of his prospects in the election by the issue of orders by the Deputy Commissioner shifting the check-posts. Procuring or obtaining assistance connotes the concerted action by a candidate and by any of the officers

mentioned in Section 123(7). There is no material in this case to indicate that the respondent approached any officers with a view to procure or obtain their assistance. Therefore, my findings on issues Nos. 1(f), (i), (ii) and (iii) are against the petitioner.

14. The next item of attack is that the respondent failed to maintain a separate and correct account of the expenditure incurred for the election and that he has contravened the provisions of Section 77 of the Act and Rule 86 of the Conduct of election Rules. No material is placed by the petitioner in support of this contention. Even if the allegation that the respondent has not maintained a separate and correct account of the election expenses, and the said account is not in accordance with the provisions of Rule 86, it would not be a corrupt practice within the meaning of Section 123(6) of the Act. In 1959 Mys. L.J. 952 at page 960 (VENKATARAMAIAH *v.* NARAYANA GOWDA), the true scope of Section 123(6) read with Section 77 of the Act was considered. It was observed that:

> ".....What it [Sec. 123(6)] Prohibits is the incurring or authorising of expenditure in contravention of S 77 and not the method and manner of maintaining accounts. S.77(1) says that an account of the expenditure incurred or authorised in connection with the election should be maintained; S. 77 (2) provides for Rules to be framed prescribing the particulars of the account to be maintained. It is only S. 77 (3) which deals with incurring or authorising of Expenditure. A plain reading of S. 77 in conjunction with sub-section (6) of S. 123, makes it clear that what is hit by the latter provision is the contravention of S. 77 (3) and not the contravention of sub-sections (1) and (2) of S. 77."

Therefore, the lapse on the part of the respondent to maintain a separate and correct account would not constitute a corrupt practice under Section 123 (6). It is pointed

out by the petitioner that in the statement of accounts Exhibit P-27 the respondent has mentioned an amount of Rs. 250 being election deposit as an item of expenditure. As circumstances stood on 17th March 1967 this statement is correct as the respondent got back the deposit only subsequently. Even otherwise, this would not amount to a violation of the provisions of Section 123 (6). The inclusion of the sum of Rs. 250 goes only to increase the election expenses and it could not be a corrupt practice which implies the existence of a corrupt motive behind it, which is absent in this case. There is absolutely no evidence to support the allegation that the respondent has incurred expenditure much above the statutory limit of Rs. 6000. Hence, my finding on the last issue is also againts the petitioner.

15. In view of the findings given above, the petition fails and is dismissed. But, in view of my observations regarding the publication of Exhibit P-1 and the gross negligence on the part of R. W. 4 and the respondent in allowing the name of the Deputy Commissioner to be included therein, and giving room for doubt that the inclusion of the Deputy Commissioner's name was deliberately done, I direct the parties to bear their own costs. To draw up the memo of costs the Advocates fee for each party is fixed at Rs. 750.

(Sd.)

K. R. GOPIVALLABHA IYANGAR,
JUDGE.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission
India.

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 10th November, 1967.

NOTIFICATION

No. 82/MY/13/67.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 4th October, 1967 by the High Court of Mysore at Bangalore in Election Petition No. 13 of 1967.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the 4th day of October 1967.

Before

THE HON'BLE MR. JUSTICE K. R. GOPIVALLABHA IYENGAR

Election Petition No. 13 of 1967

1. H. Sridhara Pai, son of Keshava Pai, aged about 43 years, Businessman, residing near Taluk Office, Udipi Town.
2. H. Ramanatha Pai, son of Vasudeva Pai, aged about 52 years, Advocate, Udipi Town .... *Petitioners.*

—Versus—

1. Amin, S. K., son of Koosu Kundar, aged about 45 years, Businessman, residing at Goods Shed Road, Bundar, Mangalore-1.
   K. Muddu Suvarna, Nephew of Thoma Suvarna, aged about 48 years, P. W. D. Contractor and Land-holder, residing at Katapady of Yanagudde Village, Udipi Taluk, Post Katpady, South Kanara .... *Respondents.*

Election Petition filed by the Petitioners under Section 81 of the Representation of the People Act, 1951 challenging the election of the Respondent No. 1 to the Mysore Legislative Assembly from No. 139, Udipi Constituency at the 1967 General Election and seeking an order that the election of first respondent, the returned candidate to the Mysore Legislative Assembly from No. 139, Udipi Constituency at the 1967 General Elections is declared by this Court as null and void and that the petitioners may be granted their costs of these proceedings.

This Election Petition coming on for trial on Tuesday 5th, Wednesday 6th, Friday 8th, Monday 11th, Tuesday 12th, Wednesday 13th, Thursday 14th, Friday 15th, Monday 18th, Tuesday 19th, Wednesday 20, Thursday 21st, Friday 22nd, Monday 25th, Tuesday 26th, Wednesday 27th, Thursday 28th days of September, 1967, in the presence of Sri K. R. Karanth and Sri K. R. D. Karanth and Sri B. Y. Holla, Advocate for the Petitioners and Sri K. Shivashankar, Bhat and A. Anandashetty and Sri P. Vishwanatha Shetty (filed vakalat on 5th September 1967) Advocate for Respondent No. 1 and Sri B. P. Karunakaran, Respondent No. 2 absent and this Election Petition having stood over for consideration, the Court made the following Order this 4th day of October, 1967.

ORDER.

The petitioners in this case are voters included in the Electoral Roll of the Mysore Legislative Assembly, Udipi Constituency No 139 in the District of South Kanara. This petition is filed by them under Section 81 of the Representation of the People Act, 1951, hereinafter referred to as the "Act", challenging the validity of the Election of the 1st respondent, to fill the seat of the above Constituency. The 1st respondent was set up by the Congress Party as their Candidate for election from the above Constituency. The 2nd respondent was an independent candidate. One U. S. Nayak was set up by the Praja Socielist Party (hereinafter

called the P. S. P.) as their party candidate for election. It may be mentioned that there were two more independent candidates besides a candidate nominated by the Swatantra Party. There were, therefore, six candidates in the contest. The 1st respondent—the Congress Candidate secured 11,737 votes, the P S. P Candidate - U. S. Nayak—secured 10 611 votes; the third in order is the 2nd respondent who secured 8,418 votes. The Swatantra Candidate and two other independent candidates secured 2,350, 1,214 and 662 votes, respectively. The number of invalid votes was 2 369. It is stated that the total number of Electors in the Constituency is about 51,000 and 37,561 votes were polled at the Elections. The 1st respondent having secured the largest number of votes was declared elected.

The petitioners have challenged the validity of the election of the 1st respondent on various grounds. In the petition, it is alleged that the 2nd respondent is a contractor of the Department of Public Works of the State of Mysore and at the time of scrutiny of the nomination papers, the 2nd respondent held two subsisting contracts with the State Government for the execution of certain work. It is stated that the 2nd respondent held a contract dated 26th June 1964 for the formation of a Fisheries Road starting from mile 34/1 of the Mangalore—Byndur coastal road, to the Udyavar Fish Curing Yard near the Sea shore in the Udipi Taluk of South Kanara in the area of the Constituency; the total value of this work is about Rs. 1,07,000. By January 1967, only a portion of the work had been done. Major portion of the work remained yet to be completed and the contract dated 23th June 1964 was still subsisting. Further, it is submitted that the 2nd respondent had another contract dated 8th January 1964 for the formation of a by-pass road in the aforesaid Coast Road to by-pass the town of Katpady in Yemagudda village about 6 miles from Udipi, the total cost of the work being about Rupees 4,00,000. It is stated that this work is not completed and the contract is still subsisting. It is stated that for the abovesaid reasons, the 2nd respondent was disqualified from standing as a candidate for election, in view of

the provisions of section 9 (A) of the Act, and therefore, his nomination paper should not have been accepted by the Returning Officer.

The petitioners have then set out the circumstances to support the contention that the result of the Election has been materially affected by the improper acceptance of the nomination of the 2nd respondent by the Returning Officer. It is submitted that the 2nd respondent was, till December 1966, a member of the Congress Party for a number of years. Being dissatisfied with the choice of the 1st respondent and others as Congress Candidates by the Congress Party Parliamentary Board for the Udipi Constituency, and for some other constituencies, he came out of the Congress Party just prior to his filing his nomination as a candidate to contest the elections as an independent candidate. The 2nd respondent is a member of Billava Community, which, according to the petitioners, has about 8,000 to 9,000 electors in the constituency. It is said that they supported him and voted for him at the elections held on 15th February 1967. It is also alleged that on account of the hostile attitude and action taken by the 2nd respondent, he has since been expelled from the Congress Party for a period of six years. It is next averred that if the 2nd respondent was disqualified to stand for election and out of the contest, all the votes cast in favour of the second respondent would have been cast in favouf of U. S. Nayak, the P.S.P. candidate. The petitioners also urged that all the votes cast in favour of the 2nd respondent and other contesting candidates apart from the 1st respondent were, as a matter of fact, cast against the 1st respondent—the Congress Candidate. It is pointed out that the difference between the number of votes polled by the 1st respondent and that by the P.S.P. Candidates is only 1126 and therefore it is stated that if the 2nd respondent had not filed his nomination and contested the election, the bulk of the large number of votes obtained by him, namely, 8418 would certainly have been cast in favour of the P.S.P. Candidate. Therefore. the improper acceptance of the nomination of the 2nd

respondent by the Returning Officer has meterially affected the election. The petitioners also refer to the fact that the Udipi Parliamentary Constituency consisted of eight Assembly Constituencies and in all the Constituencies, excepting the Udipi Constituency, the Congress candidates were defeated. The Congress candidate set up in Udipi Parliamentary Constituency was also defeated.

The next ground urged by the petitioners is that the 1st respondent himself is disqualified from standing as a candidate for election under Section 10 of the Act. It is alleged that the1st respondent is the President of a Co-operative Society, called the South Kanara District Co-operative Fish Marketing Federation with its Head Office in Mangalore. It is also pointed out that out of its share capital of Rs. 2,58,100, the Government's contribution is Rs. 2,04,000. It is further alleged that the 1st respondent has been drawing a remuneration from the said Federation. It is fairly large and cannot be considered a compensatory allowance. The share capital supplied by the State is more than 25 per cent; it is contended that the 1st respondent comes within the meaning of the words "Managing Agent, Manager of a Company or Corporation" within the meaning of Section 10 of the Act. The petitioners further state that the exception made in this Section by the words "other than a Co-operative Society" in null and void as being discriminatory, and offends Article 14 of the Constitution. Therefore, the petitioners contend that even the nomination of the 1st respondent should have been rejected by the Returning Officer as the 1st respondent was disqualified from standing as a candidate by virtue of Section 10, mentioned above.

The first respondent filed his written statement on 5th July 1967. The second respondent filed his statement on 13th September 1967 after issues had been framed and recording of evidence had commenced. He also submitted to the Court that beyond filing the statement, he does not propose to take part in the further proceedings of the case.

The first respondent in his written statement denies that the second respondent was a Contractor of the Public Works Department of the State of Mysore and, at any rate, he had no subsisting contract of any sort with the Government of Mysore in the course of his trade or business between 19th January 1967 and 16th February 1967 referred to as the period of election. The first respondent also submits that there was no written agreement in force entered into by the second respondent with the State of Mysore during this period. It is submitted that there has been no improper acceptance of the nomination of the second respondent.

This respondent also does not admit that the electors belonging to the Billavar community number 8,000 to 9,000 in the Udupi Assembly Constituency, which will hereafter be referred to as the Constituency. He also disputes that, by and large, the electors of this community voted for the second respondent. Further the respondent submits that it cannot be predicted that the voters of this community would have voted for U. S Nayak or other candidates, if the second respondent did not contest the election; the plea of the petitioners in this connection is only a conjecture and it is suggested that, if the voters should be guided by communal considerations, it is probable that Billavar voters would have voted for Subbayya Rai and this respondent as they were non-Brahmin candidates. It is further alleged that the second respondent had been an active Congressman and the votes polled by him were Congress votes. By virtue of his candidature, the Congress votes were split, thereby reducing the majority of the votes polled by the respondent. Therefore, it is submitted that, if the second respondent had not stood for election, the first respondent would have polled a larger number of votes than what he has secured now. The first respondent also refers to the election to the Lok Sabha from the Udipi Assembly Constituency and states that out of 3 candidates who stood for election, the Swatantra Candidate polled the largest number of votes; the Congress came next and the P. S. P. the third. This is pointed out

as an indication that the votes obtained by the second respondent would not have been cast in favour of the P. S. P. Candidate.

The first respondent admits that he is a Director and the President of a Co- perative Society called South Kanara District Co-Op rative Fish Marketing Federation Limited, Mangalore. A copy of the Bye-laws of the Federation has been produced and is marked as Exhibit P-11 by the petitioners and the copy of the Bye-laws produced by the respondent is marked as R. 21. It is submitted that a provision is made only for the payment of honorarium to the President and the Vice President subject to certain conditions. It is the General Body that sanctions the honorarium and the Government has nothing to do with it. Honorarium paid to the President is an ex gratia payment. It is further submitted that the Federation being a Co-Operative Society, this respondent is exempt from the disqualification provided under Section 10 of the Act. It is also contended that the respondent is not a Managing Agent, Manager or a Secretary of the Society and the qualification cannot attach to him. It is further contended that the provisions of Section 10 are not violative of any provision of the Constitution and if the contention of the petitioners can be countenanced the entire Section 10 would be void and in the result there is no scope for the plea that the first respondent is disqualified. It is further submitted that the qualifications to stand as a candidate for election being prescribed under a special enactment, the Representation of People Act, the election cannot be challenged on the ground that one of the provisions of the Act is opposed to the provisions of the Constitution, and the validity or otherwise of the provision cannot be decided in an Election Petition. On these pleadings, the following issues were framed:—

ISSUES

1. Do the petitioners prove that the second respondent was a Contractor of the Public Works Department of the

State of Mysore and contracts undertaken by him were subsisting at the time of the election and therefore the second respondent was disqualified from standing as a candidate for the election under section 9-A of the Representation of the People Act, 1951 and therefore his nomination paper should not have been accepted?

2. Do the petitioners prove that the acceptance of the second respondent's nomination was improper and that the result of the election in so far as it concerned the first respondent (returned candidate) has been materially affected?

3. Do the petitioners prove that by virtue of the fact that the first respondent is the President of the South Kanara District Co-operative Fish Marketing Federation, Mangalore, he comes within the disqualification prescribed under section 10 of the Representation of the People Act?

4. Is the petitioners, contention that the exception provided in section 10 in respect of a Co-operative Society is violative of the provisions of Article 14 of the Constitution maintainable? If so, is the impugned section in part or as a whole opposed to Article 14?

5. To what reliefs are the petitioners entitled?

The second respondent on leave being granted to file his written statement, has filed it. He submits that at the time of the nomination and at the time of the election, a few works which he had contracted earlier had not been completed as the Public Works Department had not put him in a position to complete the works within the specified time. He pleads that certain work sites had not been put in his possession. The second respondent submits that he honestly believed that he was not disqualified to stand for election and that the candidates who opposed him knew about it and did not raise any objection at the time of the scrutiny of the nomination papers. He pleads that in the event of the petition being allowed, he is not liable for costs, and further that in any event the petitioners are not entitled to costs even if they succeed. The 2nd respondent submitted

that he does not press for any additional issue being framed and that he does not propose to examine or cross-examine any witness or to further participate in the proceedings.

The petitioners are represented by Sriyuths K.R. Karanth and K.R.D. Karanth, Advocates, while the first respondent, hereinafter referred to as the respondent is represented by Sriyuths K. Shivashankar Bhat, A. Ananda Shetty and P. Viswanatha Setty. The petitioners have examined 21 witnesses and marked Exhibits P-1 to P-12. The respondent has exmined 11 witnesses and has marked documents, R-1 to R-21. Exhibits P-1, P-2, P-3, P-9, P-10, R-1, to R-16, R-17, R-18, R-19, R-20, R-21 were marked as exhibits by consent of parties. Translations of P. 3, P .9 and P-10 are marked exhibits P-3(a), P9-a) and P-10(a).

At the outset, the respondent's counsel raises an objection that the petitioners's case being one of improper acceptance of the 2nd respondent's nomination paper by the Returning Officer comes within the purview of Section 100 (1) (d) (i) of the Representation of the People Act, 1951. He contends that the petitioner could be permitted to raise this ground in this petition only if he has raised the objection againt the acceptance of the nomination paper before the Returning Officer. In this case, it is undisputed that no objection was raised before the Returning Officer for the acceptance of the nomination paper of the 2nd respondent. It may however be observed here that the petitioners before me are only voters who are entitled to file this election petition under the provisions of section 81 of the Representation of the People Act. They had no opportunity of raising the objection aginst the acceptance of the nomination paper of the 2nd respondent by the Returning Officer. However, my attention is invited by the Respondent's counsel to the decisions reported in A.I.R.1954 Supreme Court 520 (DURGA SHANKAR *V.* RAGHURAJ SINGH), A.I.R. 1959 Supreme Court 422 (VELUSWAMI *V.* RAJANAINAR , and A.I.R. 1960 Supreme Court, 363 (S.M. BANESJI *V.* SRI KRISHNA), in support of the contention. The petitioners' counsel also relies on the

decision reported in A.I.R. 1960 Supreme Court 368 S.M. BANERJI V. SRIKRISHNA) in support of his contention that even if it is assumed that his objection comes within the purview of sub-clause (i) of clause (d) and it is necessary to have raised the objection in in regard to the acceptance of the nomination paper of the candidate before the Returning Officer, the fulfilment of such condition is not necessary when the pleadings permit the question being covered by section 100 (1) d (iv) of the Act. In A. I. R. 1951 Supreme Court, 520 (DURGA SHANKAR V. RAGHURAJ SINGH), it is observed that:

> "If the want of qualification of a candidate does not appear on the face of the nomination paper or of the electoral roll, but is a matter which could be established only by evidence, on enquiry at the stage of scrutiny of the nomination papers is required under the Act only if there is any objection to the nomination. The Returning Officer is then bound to make such enquiry as he thinks proper on the result of which he can either accept or reject the nomination. But when the candidate appears to be properly qualified on the face of the electoral roll and the nomination paper and no objection is raised to the nomination, the Returning Officer has no other alternative but to accept the nomination. This would be apparent from section 36 sub-section (7) of the Act,"

They further say:

> "It would have been an improper acceptance, if the want of qualification was apparent on the electorol roll itself or on the face of the nomination paper and the Returning Officer overlooked that defect or if any objection was raised and enquiry made as to the absence of qualification in the candidate and the Returning Officer came to a wrong conclusion on the materials placed before him. When neither of

these things happened the acceptance of the nomination by the Returning Officer must be deemed to be a proper acceptance."

These observation support the contention of the respondent that the acceptance of the nomination paper by the Returning Officer must be deemed tobe proper acceptance. The decision in A. I. R. 1959 Supreme Court at page 422 (VELU SWAMY V. RAJA NAINAR) also deals with improper acceptance coming within section 100, clause (1) (d) (1) of the Act, but it must be noted that the question that came up for decision related to the improper rejection of a nomination paper. The other decision which is useful to come to a decision in respect of the above question is the one reported in A. I. R. 1960 Supreme Court at page 368 (S. M. BANERJI V. SRI KRISHNA). In this case, the appellent had secured the largest number of votes and was declared elected. The respondent who was one of the voters in the Constituency presented a petition before the Election Commission, New Delhi, praying that the election of the appellant be declared void. During the course of the proceeding before the Tribunal, the petitioner sought an amendment of the petition to raise an additional ground that a certificate as required under section 9(3) and section 33(3) of the Act did not accompany the nomination paper of the respondent and the acceptance of his nomination paper was improper and it materially affected the result of the election. The Tribunal disallowed the applications for amendment on the ground that they sought to introduce a new ground after the prescribed period of limitation. Eventually, the election petition also came to be dismissed. On appeal to the High Court, the order of the Tribunal was set aside and the High Court found on a construction of the pleadings that the allegations found in the original petition were sufficient to bring the case under section 100 (1) (d) (i) of the Act, that is, under the head 'improper acceptance' and that the amendment asked for was only a clarification but not an introduction of a new ground. The High Court set aside the order of the Tribunal and issued direction to the Tribunal to decide the issues that

arose out of the amendment. On appeal against the judgment, the Supreme Court, after setting out the provisions of sections 9(3), 33(3) and section 36 of the Representation of the People Act, observed as follows:

> "The foregoing provisions, so far relevent to the present enquiry, may be summarised thus: If a candidate has been dismissed from Government service and a period of five years has not elapsed since dismissal he will have to file along with the nomination paper a certificate issued in the prescribed manner by Election Commission to the effect that he has not been dismissed for corruption or disloyalty to the State. It has not been done, the Returning Officer, either *suo motu* or on objections raised by the opposite party, has to reject the nomination. If the nomination paper does not disclose any such defect and if the Returning Officer has no knowledge of that fact he has no option but to accept the nomination. The returning Officer may improperly accept a nomination paper though it discloses the said defect and though an objection is raised to its reception on that ground. Section 100(1))(d)(i) of the Act deals with improper acceptance of any nomination and S.100 (1) (d) (iv) permits an attack on the ground, among others, of non-compliance with the provisions of the Act.

The Court further considered the import of the decisions in A I R. 1954 Supreme Court 520 (DURGA-SHANKAR V. RAGHURAJ SINGH) and A.I.R. 1959 Supreme Court, 422 (VELUSWAMI V. RAJA NAINAR), referred to by me earlier and ultimately observed in paragraph-13 as follows: —

> "The foregoing discussion yields the following results: (1) Sub-cls (i) and (iv) of S.100(1)(d) of the Act provide for two distinct grounds; the former for the case of improper acceptance of any nomination, and the latter for that of

non-compliance with the provisions of the Constitution or of the Act, or of any rules or orders made under the Act; (2) when the candidate appears to be properly qualified on the face of the electoral roll and the nomination paper and no objection is raised to the nomination the acceptance of the said nomination by the Returning Officer must be deemed to be proper acceptance; (3) even if there is a proper acceptance, it is opento the petitoner to question the validity of the election under S.100(1)(d)(iv) on other grounds, namely, that the candidae whose nomination was accepted not qualified at all or could not be deemed to be duly nominated as a candidate for the reason that he did not comply with the provisions of S.33(3) of the Act; and (4) if the second ground in substance is not taken in the petition-substance is more important than form—the Tribunal has no power after the prescribed period of limitation for the filing of the petition to allow an amendment introducing the second ground."

Shri Karanth invites the Court to scrutinise the pleading in this case, keeping the above observations of the Supreme Court as the background. His submission is that even if there is a proper acceptance, it is open to him to question the validity of the election under section 100(1)(d)(iv) on other grounds, namely, that the candidate whose nomination was accepted was not qualified at all. In paragraphs 7 and 9 of the petition, the petitioners have stated that the 2nd respondent was disqualified from standing as a candidate for the election by virtue of Section 9 A of the Act and they have also set out other circumstances which indicate how the result of the election has been materially affected on account of the improper acceptance. It appears to me that the contention of Shri Karanth should be accepted and the plea in this case should be treated as one coming under the provisions of clause (iv) of sub-clause (d) of section 100(1) of the Act.

Therefore, I now proceed to deal with the reason on merits. The basic question that underlies the first issue is whether the second respondent was a contractor of the Public Works Department of the State of Mysore and contracts undertaken by him were subsisting at the time of the election. Before proceeding to consider the petitioners' submissions in this regard, the statement filed by the second respondent may be referred to. The second respondent states that at the time of the election, few works for which he had contracted earlier had not been completed, as the Public Works Department had not put the respondent in a position to complete the work within the prescribed time. He states that he honestly believed that he was not disqualified to stand for the election. The second respondent has not been examined in this case. From the facts disclosed in the course of the evidence, it is established that the respondent is an active and prominent Congressman and a leader of the Billavar community. It is not easy to accept his statement that he honestly believed that he was not disqualified to stand for the election. He was quite aware that the works in respect of which he contracted earlier in the Public Works Department had not been completed. What is curious is that neither the 1st respondent nor the P. S. P. candidate of any other raised the objection that the 2nd respondent's nomination should not be accepted.

Exhibit P. 4 is the contract dated 26th June 1964 under which the second respondent entered into an agreement for forming a fisheries road starting from mile 34/1 of M. B. C. Road to Udyavar Fish Curing yard in Udipi Taluk of South Kanara District. The time within which the work was to be completed was 18 months from the date of handing over of the sites. The respondent's counsel submitted that the time for the completion of the work would end by the end of December, 1966 and according to him, on the relevant date, the contract under Exhibit P-4 had ceased to subsist on account of efflux of time fixed thereunder. The petitioners point out that exhibit P.5,

which is a check measurement book connected with the work coming under Exhibit P.4 indicates that measurements have been taken on 12th June 1967 and the payment has been made after such measurement was taken. In this connection, the petitioners have examined P. W. 1. P. W. 1. is an Assistant Engineer working under the Executive Engineer, Public Works Department, Udipi Division, Udipi on 10th January 1966. He speaks to Ex. P.4 which is an agreement between the second respondent and the State of Mysore. P. W. 1 states that the work referred to in Ex. P. 4 is not completed and it is yet going on. He has checked the works executed by the second respondent from 27th January 1966. This is evidenced by Ex. P. 5 (f) and Ex. P. 5 (a) is the signature of the second respondent for having accepted the measurements. Ex. P. 5 (b) denotes the check made by P. W. 1 on 19th February 1966. Payment has been made on 24th February 1966 as per entry Ex. P. 5 (c). As per Ex. P. 5 (d), P. W. 1 has check-measured on 12th June 1967 the works executed subsequent to 8th May 1967. Payment in respect of this has been made as evidenced by Ex. P. 5 (e) on 12th June 1967. P. W. 1 further states that in between 27th January 1967 and 12th June 1967, several measurements have been taken and corresponding payments have been made to respondent No. 2. P. W. 1 definitely states that 70 per cent of the work covered by the agreement, Ex. P. 4 has been completed by now. He also speaks to the execution of the contract, Ex. P. 6 between 2nd respondent and the Executive Engineer, Special West Coast Division, Mangalore, dated 26th October 1964. From the letter of the Executive Engineer, Ex. P. 7 dated 31st August 1967, it is also clear that the contractor has not yet completed the work. On the basis of these documents, it is contended by Sri K. R. Karanth, the learned counsel for the petitioners that there is unimpeachable evidence that the contract under Ex. P. 4 and P. 6 were subsisting on the date of election. The contention of Sri. K. Shivashankar Bhat is that under the terms of the contract, time has to be considered as the essence of the agreement and the time fixed for the contract expired by December 1966 as already mentioned and the

contract could not have been deemed to have subsisted on the date of election. My attention is also drawn to the recital of the agreement that the period fixed under clause 4 of the agreement is subject to the provision for the extension of time under Article 109-04 of the Standard Preliminary Specification. The aforesaid Article provides for extension of contract time stipulated for completion. It provides that under certain cirumstances, the contractor should apply for extension of time and give notice of the reason in writing to the Engineer and the Engineer is vested with the power to grant extension of time for the completion of work. The last sentence in the Article referred to above reads as follows:—

> "Any extension or further extension of time under the provisions herein contained may be allowed notwithstanding that the Contractor has failed to give notice of the cause therefor or that the date for completion may have passed or that the work may have been completed."

It is clear from the above said provisions underlined that the Executive Engineer has power to grant extension of time. Ex. A. 5 is clear proof of the fact that the Executive Engineer has extended the time for completion of the works and therefore the contract for the execution of works as stipulated under Ex. P. 4 and P. 6 were subsisting on the date of election. The evidence of P. W. 1 and the documents referred to above are unimpeachable and support the above conclusion. In any event, if the contention of respondent has to be accepted, it merely means that the second respondent has failed to complete the work within the stipulated time and therefore has committed a breach of contract. The rights and liabilities between the contracting parties then require to be determined in terms of the contract. Therefore, the contract subsists for the ancillary purpose, *viz.*, to determine the rights and obligations of the parties. The decisions reported in A. I. R. 1954 Supreme Court, 236

(CHATTURBHUJ VITHALDAS JASANI *V.* MORESHWAR PARASHRAM AND OTHERS) , A. I. R. 1959 Madhya Pradesh, 39 (GAURI SHANKER *V.* MAYADHARDAS), A. I. R. 1960 Calcutta, 92 (BROJO GOPAL DAS AND OTHERS *V.* KALI PADA BANERJEE AND OTHERS), and the decision of this Court in Election Petition No. 21 of 1967 (Reported in II L. R. 825, H. R. ANNAMALI MUDALIAR *V.* DEVARAJA URS), support the above conclusion.

For the above reasons, my finding is that the contracts between the second respondent as a contractor and the Public Works Department of the State of Mysore were subsisting at the time of election and he was therefore disqualified from standing for election under Section 9-A of the Representation of People Act of 1951 and therefore the acceptance of the nomination paper was improper.

The next question that follows is, whether such an improper acceptance has materially affected the result of the election in so far as it concerns the first respondent who is the returned candidate. It is undisputed that the first respondent secured 11,737 votes. The next candidate is the P. S. P. candidate who secured 10,611 votes. The difference between the two is 1,126 votes. The second respondent whose nomination paper ought not to have been accepted, polled 8,418 votes. Therefore, the petitioners have to prove that the respondent would not have been able to secure more than half of the wasted votes, which, in this case, would be 8,418-1,126, *i. e.*, 3,646 votes. If the petitioners prove that the respondent could not have secured 3,647 votes, then it is possible to hold that the result of the election is materially affected. The other way of approaching the problem would be that the petitioners must prove that the next candidate, *i. e.*, the P S. P. candidate, in this case, would have polled 4,773 votes more than what he was done now.

The pertinent provision of the Act of 1951 under which the result of the election can be declared void is section 100

(1) (*d*), clauses (*i*) and (*iv*). Section 100 (1) (*d*), clause (*i*) and (iv) read as follows.—

> "(*d*) that the result of the election in so far as it concerns a returned candidate, has been materially affected.
>
> (*i*) by the improper acceptance of any nomination, or
>
> (*ii*) * * * * *
>
> (*iii*) * * * * *
>
> (*iv*) by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act, the Tribunal shall declare the election of the returned candidate to be void."

The learned counsels for the contesting parties invite my attention to several decisions which indicate as to what factors govern cases where the infirmity is the improper acceptance of a nomination paper. My attention is drawn to the case reported in A. I. R. 1954 Supreme Court, 513 (VASHIST NARAIN SHARMA *v.* DEV CHANDRA) and to the following observations therein :

> "But we are not prepared to hold that the mere fact that the wasted votes are greater than the margin of votes between the returned candidate and the candidate securing the next highest number of votes must lead to the necessary inference that the result of the election has been materially affected. That is a matter which has to be proved and the onus of proving it lies upon the petitioner. It will not do merely to say that all or a majority of the wasted votes might have gone to the next highest candidate."

The respondent's counsel next invites my attention to the decision reported in A I R. 1959 Madhya Pradesh P. 58 (INAYATULLAH *v.* DIWANCHAND). At page

64, their Lordships while referring to the decision of the Supreme Court, referred to above, observed as hereunder:

> "From these observations, it is therefore clear that general evidence of a likelihood, such as has been tendered in this case, is not decisive of the matter under S.100 of the Representation of of the People Act. What the party who wishes to get an election declared void has to establish is that the result of the poll had in fact been materially affected by the improper acceptance of a nomination paper. To do this, it has to be demonstrated that the votes would have been divided in such a way that the returned candidate would have been unsuccessful."

They further said:

> "We consider that the matter is not '*res-integra*' and our view of the matter is irrelevant. Their Lordships also noted with regret the difficulty of establishing such a result by concrete evidence and stated that the matter could only be rectified by the Legislature and not by the Courts. According to their Lordships the onus which was placed upon the contesting party was insuperable and incapable of being discharged. Indeed, the Legislature in laying that burden seems to ask the contestant to do the impossible. We do not consider that the matter is open to us to express a different view and applying the ruling to the facts of the case, which are analogous to those in the case which their Lordships decided, we must hold that the evidence tendered is not sufficient to discharge the onus which was upon Mahajan."

They further proceeded to observe;—

> "We cannot help expressing with regret that the law is as it is. It is quite obvious that the law

should not contemplate the doing of an impossible task by a candidate who is contesting the election of a candidate on such grounds. The law should provide for a burden of proof which would be capable of being humanly discharged and not a burden which no person can ever hope to discharge. We hope that the Legislature will intervene and deal with this question as their Lordships of the Supreme Court have already expressed."

On the basis of these observation, Sri K. Shivashankar Bhat contends that the petitioners cannot discharge the burden of proof laid on them, as it is impossible. The petitioners' counsel states that the view of the Madhya Pradesh High Court that the onus placed on the contending party is insuperable and incapable of being discharged is not correct and that the decision reported in A.I.R. 1954 Supreme Court P. 513, (VASHIST NARAIN SHARMA *v.* DEV CHANDRA AND OTHERS), does not lay down any such proposition. He invites my attention to the three later decisions of the Supreme Court, *viz*, 1957 Supreme Court, 442 (SURENDRA *v.* DALIP SINGH), 13 E.L.R. 1 (YAMUNA PRASAD *v.* JAGADISH PRASAD KHARE) and A.I.R. 1966 Supreme Court 824 (MAHADEO *v.* UDAI PRATAP). Relying on these decisions, he contends that it is open to the petitioners to show that in certain circumstances, it is quite possible for a party as the petitioners in this case to establish that the result of the election in so far as it concerns the returned candidate has been materially affected. A.I.R. 1957 Supreme Court, 242 (SURENDRA NATH KHOSLA AND ANOTHER *v.* S. DALIP SINGH AND OTHERS), is a case where a nomination paper was improperly rejected. It is held that in the case of improper rejection of nomination paper, the rejection materially affects the result of the election. They further observe that :

"Apart from the practical difficulty, almost the impossibility, of demonstrating that the electors

> would have cast their votes in a particular way, that is to say, that a substantial number of them would have cast their votes in favour of the rejected candidate, the fact that one of several candidates for an election had been kept out of the arena is by itself a very material consideration. On the other hand, in the case of an improper acceptance of a nomination paper, proof may easily be forthcoming to demonstrate that the coming into the arena of an additional candidate has not had any effect on the election of the best candidate in the field."

On the basis of these observations, it is submitted that it is quite open to the petitioners to adduce evidence to establish that the result of the election has been materially affected. The case in 13 E.L.R. page 1, is an instance of a case where it may be possible for a petitioner challenging the result of the election on the basis that the nomination paper has been improperly accepted, to show that the result of the election has been materially affected. The facts of the case are that the petitioner was a candidate on behalf of the Praja Socialist Party. The first respondent was a candidate of the Congress Party. One Baijnath Dube was also a candidate of the Praja Socialist Party. The Congress candidate secured 1398 votes while Baijanath Dube and the petitioner secured 1337 and 997 votes respectively. The petitioner contended that the nomination paper of Baijanath Dube ought not to have been accepted by the Returning Officer. it was held by the Tribunal that the nomination papers of Baijanath Dube was improperly accepted. Therefore, the question arose whether the election so far as the returned candidate was concerned was materially affected. The Tribunal expressed the view that the case before them was a unique case of its kind as there were 2 candidates of the same party. They held that if the petitionerhad been the only candidate on behalf of the P. S. Party, he would have got almost all the votes of the Baijanath Dube. Therefore, they held that it has been proved by positive evidence that as a result of the impro-

per acceptance of Baijanath Dubey's nomination paper, the result of the election was materially affected. In the result the Tribunal allowed the petition and declared the election of the declared candidate wholly void. On appeal, the Supreme Court observed that the question that arises is whether having regard to Vashist Narain's case, this was a permissible mode of deciding the matter and whether such evidence was relevant and admissible. They observe this is a question which we do not think, it is expedient for us to decide in the circumstances of the case, as they exist at present. The Vindhya Pradesh Assembly to which the successful candidate was elected is now no longer in existence and the new elections are coming in very shortly." Having made these observations, they did not proceed to consider the above legal question. It is submitted by the petitioners' counsel that the above case is a typical instance of a case where it is quite possible to discharge in certain circumstances the burden of proof laid on the petitioner under section 100 (d) of the Act. The next decision on which the petitioner relies is the one reported in A. I. R. 1966 Supreme Court, 824 (MAHADEO v. UDAI PRATAP). The question that arose for decision before the Supreme Court was whether the appellant's election had become void under Section 100 (1) (d) (iv) of the Act. After dealing with the legislative history of the statutory provisions contained in Section 100 (1) (d) (iv), it is observed as follows :-

> "On the other hand, in regard to the category of cases where the infirmity was improper acceptance of a nomination paper, different considerations had to be taken into account. In Vashist Narain Sharma v. Dev Chand, 10 Ele. LR 30 : (AIR 1954 SC 513), it was held by this Court that "in the case of improper acceptance of a nomination : (a) if the nomination accepted was that of the returned candidate, the result must be materially affected: (b) if the difference between the number of votes is more than the wasted votes, the result cannot be affected at all; (c) if the number of wasted votes is greater

thanthe margin of votes between the returned candidate and the candidate securing the next highest number of votes, it cannot be presumed that the wasted votes might have gone to the latter and that the result of the election has been materially affected. This is a matter which has to be proved and, though it must be recognised that the petitioner in such a case is confronted with difficult situation he cannot be relieved of the duty imposed upon him by S. 100 (1) (c), and if the petitioner fails to adduce satisfactory evidence in support of his plea, the tribunal wood not interfere in his favour and would allow the election to stand."

The amending Act of 1956 has thus separated the cases of improper rejection of nomination papers from those where nomination papers have been improperly accepted. It will be recalled that both these cases had been grouped together under S. 100 (1) (c) of the unamended Act. Now the cases of improper rejection have been taken under S. 100 (1) (c), whereas cases of improper acceptance fall to be dealt with under S. 100 (1) (d) (iv). Where it is alleged that a nomination paper has been improperly accepted, it obviously means that the acceptance is the result of non-compliance with the provisions of the Constitution of the Act.—"

The Supreme Court examined the character of the infirmity on which the election of the appellant had been declared void by the High Court as well as the Election Tribunal. From this, it is clear that the Supreme Court has not taken the view that the onus laid on the contending party was insuperable and incapable of being discharged. Therefore, it is necessary to examine in this case, if the petitioners have successfully established that the result of the election in so far as it concerns the first respondent has been materially affected.

The petitioners' counsel refers to three documents, exhibits P. 3, P. 9 and P. 10 which, according to him, indicate the atmosphere that prevailed at the time of the election meaning thereby that the electorate was anti-Congress, as there was a split in the Congress Party, resulting in many leaders of the Congress Party going out of the party. It is pointed out that the last date for filling the nomination papers was 19th January 1967, the date for scrutiny was 21st January 1967 and the actual date of polling was 15th February 1967. Exhibits P. 3, P. 9 and P. 10 have been admitted in evidence by consent. The earliest of these documents is exhibit P. 9 dated 1st January 1967. It is an editorial in the Kannada Weekly (Prakash) published in Udipi and is dated 1st January 1967. The editor of Prakash is one A. G. Alse, who was a Congress man who left the party along with respondent No. 2. Exhibit P 9 to a large extent, contains the opinion of the editor or statements or hearsay. But a reading of exhibit P. 9, a part of which is factual, gives an impression that there was a split in the Congress Party with reference to the Constituency in question. The editor doubts if the hopes of success entertained by the Congress Party at the election would be realised. The split in the Congress has led to the suspicion expressed by the editor. In his opinion, candidates, who had the best support from the district Congress are not given seats and candidates in whose favour voters in the Constituency have expressed their desire have not been chosen. He sets out several reasons as to why the voters have become enraged and the Congress workers have become disappointed. He also refers to the fact that one Madhavaraj who was set up as a Congress Party candidate in the Udipi Constituency has withdrawn his candidature and that it is a great misfortune. He also states that on account of the petty-mindedness of the Congress leaders, the atmosphere of the District of South Kanara has become vitiated. Much of what is referred to is a matter of individual opinion. The next letter is exhibit P. 3. It is dated 10th January 1967. The author of this letter is one K. K. Shetty who is the President of the District Congress

Committee and editor of "Rashtra Jyothi". This letter is couched in vituperative language and is directed against one T. A. Pai who appears to have been a candidate for nomination as a Congress candidate during the elections but was not given a seat. A reference is also made to a statement alleged to have been made by Madvaraj that he declined the ticket if T. A. Pai was not given one. I may mention that the statement of Madvaraj is not placed before the Court and it is not known what exactly that statement contains. This exhibit mentions that after the statement made by Madvaraj a number of Congress members who are the followers of T. A. Pai have resigned and that they are also indulging in accusing the Congress Party, of communal bias and dictatorial attitude, power-mindedness, etc. But at the same time, the author of this article says that a sharp reaction has been produced and that the people are supporting the Congress candidate with greater enthusiasm. Eschewing those portions of this exhibit which are merely expressions of opinion or hearsay statements, the fact that such a statement was published cannot be disputed. My attention is next invited to exhibit P. 10 which is an editorial in the Kannada Weekly 'Prakash' dated 19th February 1967. This, it will be noticed, is after the elections. The editor, A. J. Alse apprehends that the Congress may meet defeat in the elections. He attributes this to the fact that the candidate desired by thousands of congressmen have not been chosen as Congress candidates. The editor refers to exhibit P. 3 and Casts aspersions against its author. This editorial supports T. A. Pai. All these documents taken together merely give an impression that there was a split in the Congress Party and that there was dissatisfaction with regard to the choice of the Congress nominees to stand for election on the Congress ticket.

It is pointed by the respondent's counsel that the above three documents do not refer to the second respondent or to his anti-Congress attitude. It is further contended that it is not specifically pleaded in the petition that the atmosphere in the Constituency was anti-Congress and that there

is no chance of the Congress succeeding, as the section that succeeded from the official Congress Party was influential and strong. There is, no doubt, much force in this argument. To indicate the attitude of the second respondent towards the Congress, the petitioners' counsel invites my attention to the oral evidence of P. W. 20. P.W. 20 is a member of the Communist Marxist Party which is alleged to have supported the 2nd respondent. This witness says that some of the Congress leaders came out of the Cangress Party and worked against the Congress candidates during the 1967 elections. He also gives the names of the prominent Congressmen who came out of the party. They are, according to him, the 2nd respondent, B. Kalppa Setty, A. J. Ulse, Seena Setty, Narasimha Holla and T. A. Vasudevan. None of these persons has been examined. T. A. Pai referred to in Ex. P. 3 was not in Station at the time of the elections. This witness does not mention why these Congressmen came out of the party. It is pointed out that in the petition, the reason for the second respondent's coming out of the party is that he was not satisfied with the choice of the respondent and others as Congress candidates by the Congress Parliamentary Board. This allegation has not been substantiated. The reason for the second respondent standing as an independent candidate has been mentioned by some of the petitioner's witnesses. P. W. 2 in his examination in chief says that the second respondent was not satisfied with the selection of the candiates by the Congress Party, and, therefore, he came out of the Congress Party and stood as an independent candidate for election. But in the later part of his evidence, he says that the second respondent was not dissatisfied as the Congress ticket had been given to the respondent. Therefore, in respect of the choice of the Congress nominee regarding the Udipi Constituncy, there was no reason for the 2nd respondent to be disposed against the respondent who stood on the Congress ticket. P. W. 3 states that the second respondent stood for election because he wanted to help his community. This witness is an Income-Tax Practitioner at Udipi and he was working for the P.S.P. candidate. P.W. 15 goes further and states that he would not have

voted for the 2nd respondent if he had stood on any party ticket; even if he had stood on Congress ticket, he says he would not have voted for him. The suggestion that the 2nd respondent and other Congressmen who followed T. A. Pai withdrew their support to the Congress for the reason that Madvaraj refused the Congress ticket is denied. The evidence of R.W. 3 indicates that the 2nd respondent did not apply for a seat from the Congress Party. It is Madhvaraj who had been proposed as a nominee of the Congress party. He declined to stand as a candidate for the reason that he was not well and it is he who suggested the name of the respondent to be nominated as the Congress candidate for election. It is admitted by both the parties, that Madhvaraj was an active Congressman who had rendered great services to the people and that he was very popular and influential in the Constituency. It is also said that he was held in great esteem by the people of the Constituency. It is in evidence that Madhvarj threw his weight and influence in favour of the Congress Party. He appears to have sustained a fall at Karwar and he was admitted on 21st January, 1967 to the Manipal Hospital as an in-patient and he was discharged by about 29th January 1967. From the evidence of R.W.3, it can be gathered that Madhvaraj worked for the Congress after his discharge from the hospital and as he was not able to walk much, he was going in car for canvassing. He was in charge of canvassing in the coastal area of the Udipi Constituency. If really, Madhvaraj was dissatisfied with the non-selection of T.A. Pai as a candidate and therefore refused to stand as a Congress nominee though he was chosen as a nominee by the Congress Party, it is not possible to appreciate as to how he could work for the Congress Party candidate or propose the name of the respondent who is one of his relations, as a Party nominee.

From what has been stated above, it can be inferred that there was a split in the Congress Party. This is not an unusual feature in any party. Several persons seek nomination from a political party but some of them are bound to get disappointed by not being chosen as candidates for election. This by itself

cannot lead one to the conclusion that the disappointed party-men work against the party or the existence of a dissentient group in a particular party weakners the party altogether. Confining my attention to this case, it is quite clear that from the figures of polling, the Congress party had not ceased to be influential inspite of some of the Congressmen going out of the Congress Party. It is also pointed out by the respondent's counsel that none of the petitioners' witnesses says that while canvassing for respondent No. 2, they harnessed any anti-Congress feeling. P. W. 2 says that the second respondent has been a Congress member since 1952. During 1952, 1957 and 1962 Elections as also in the elections of the Taluk Board and the Village Panchayat Board, the 2nd respondent has worked for the Congress. The second respondent is one of the leaders of the Congress Party. He also speaks to the names of several members of the Billava Community who have been supported by the Congress Party. He says that the 2nd respondent and Madhavaraj are on good terms. P. W. 13 merely states that he worked for the 2nd respondent in the 1967 elections. This witness is a Billava. He also does not speak of any voters being anti-Congress. P. W. 14 is Polling Agent of the 2nd Respondent. He says that the 2nd respondent was an active Congressman and he was a member of the Udipi Taluk Board. He was also a Chairman of the Katpady Panchayat. This witness bore affection for the 2nd respondent and it is for that reason that worked for him. He also speaks about one Dhonappa of Billava community being a member of the Legislative Council and a Congressman. Gangadharadas, an Advocate was put up as a candidate for election as a Congress candidate. One Suvarna of Billava community was a member of the Legislative Assembly as Congressman. So the evidence of the witness is that the Billava Community has every reason to be pro Congress. P. W. 15 also does not say that he was anti-congress. He worked for the 2nd respondent being a member of the Billava Community. It is only this witness who says that the voters of his community were not in favour of voting for the Congress. How far the statement of this kind that voters were inclined in favour of one party or another can

be accepted is extremely doubtful and it is partly a matter of opinion apart from it being a surmise. It is pointed that even P. W. 21 who was a Polling Agent of the 2nd respondent says that the Billava voters were not inclined to vote for the Congress candidates. As I have mentioned already, this statement is more a surmise and cannot be treated as evidence. In any event, while canvassing, he and his associates who worked for him told the voters that the 2nd respondent was an active Congressman. He had come out of Congress and he had rendered great services to the people and he was a member of their community and therefore the voters should vote for him. His evidence is also to the effect that about 200 voters whom he met said that they would vote for the Congress Party and that no voter told them that they would vote only to U. S. Naik. On the other hand the evidence of the witnesses for the respondent indicates that though they canvassed for the 2nd respondenting, they did so representing that the 2nd respondent was a person with Congress inclinations thus lending support to the respondent's arguments that the persons who worked for the 2nd respondent were not anti-Congress. R. W. 6, who is a counting agent and a close relation of the respondent states that during their work they were telling the voters that the 2nd respondent was also a Congressman and therefore they should vote for him. By such representation, most of the voters changed their mind and promised to vote for the 2nd respondent. This witness further states that if the respondent had not stood for election, he would have worked for the Congress Party and he worked for the respondent because he was related to him. R. W. 8, who is also a Polling Agent of the 2nd respondent, states that when he contacted the voters, they were inclined to vote in favour of the Congress Party. He represented to the voters that the 2nd respondent was an able person and he worked for the 2nd respondent for the reason that he was the maternal uncle of the witness. This witness says that he would have worked for the Congress Party if respondent No. 2 had not stood for election. The evidence of R. W. 10 who is also the Polling Agent and a relation of the 2nd respondent is that if he had

not stood for the election, the witness would have worked for the Congress candidate. R. W. 1 who was a polling agent of the 2nd respondent states that the 2nd respondent was saying that though he had come out of the Congress Party, he had every hope of succeeding in the election and even if he did so, his leanings would be towards Congress Party. This witness worked for the Congress Party for some time and then changed over to work for the 2nd respondent as he was prevailed upon by his relations to do so. This witness is a Billava. What is made out from the evidence of this witness is that there was no anti-Congress feeling amongst the members of the Billava community. The evidence of R. W. 2 who was also a Polling Agent of the 2nd respondent and who worked for him states that he told the voters that the 2nd respondent who had left the Congress Party for the time being and stood as an independent would come back to the Congress and that the 2nd respondent was a member of his community and therefore he should be supported. The evidence of these persons indicate the absence of any anti-Congress atmospher amongst the voters and in particular voters of Billava community.

It is next argued by Mr. Karanth that right Communist supported the P. S. P. candidate while the Left Communists supported the 2nd respondent. In support of this submission, the petitioners' counsel relies on the evidence of P. W. 10 and P. W. 20. Sri K. Shivashankara Bhat appearing for the respondent raises an objection that there is no plea in the Election Petition specifically stating that the Left Communists supported the 2nd respondent and that the Rightists of the Communist Party supported the P. S. P. candidate. It cannot be disputed that this is a material fact which ought to have been alleged in the petition. The petitioners' counsel while conceding that it is so, stated that the respondent is not taken by surprise by this evidence. This circumstance cannot be an excuse for not setting out definitely that the 2nd respondent had the support of the Left Communists. It would have been impossible for the respondent to adduce evidence to prove that the

petitioners' stand in that respect is baseless and false. This aspect assumes importance for the reason that this support to Respondent No. 2 is not of individual votes but of a party. Keeping this aspect of the petitioners' case, the evidence adduced by the petitioners in support of their stand may be examined. P.W. 10 is a Councillor of the Udipi Municipal Council. He is a member of the Beedi workers' Union and also the President of an Association, called Raita Sangha. These two associations are led by Communists. Amongst the members of the Beedi Workers Union, 500 are leftists and 300 are rightists. Among the members of the Raita Sangha, 200 are rightists and 400 are leftists. He states that during the 1967 elections, many voters of the Beedi Workers' Union and Raita Sangha had decided to vote for the 2nd respondent and that the rightists amongst them were in favour of the P.S.P. candidate. He states that a decision had been arrived at a month prior to the election and a decision had been taken after ascertaining the view from several parts of the Constituency. This appears to be highly improbable. He also states that he discussed the question as to whom the members of the Beedi Workers' Union and Raita Sangha should vote and they were not inclined to vote for the Congress Party. He also states that if the 2nd respondent had not stood for election, they would have voted for the P.S.P. candidate. His opinion about the inclination of the members are their statement that they would have voted for the P.S.P. candidate are mere matters of surmise and do not command any value. Further, in his cross-examination, this witness says that he does not know what decisions had been taken by the Beedi Workers Union in connection with the 1967 elections. Before arriving at a decision, meetings were held in various places where the members of the Beedi Workers' Union were present; he further states that there is a proceedings book maintained by the Beedi Workers' Union and the minutes of the proceedings of the meetings held by the Beedi Workers' Union in the several areas are recorded in the proceedings book. The proceedings book is not produced though it is available in the office of the Beedi

Workers' Union. He states that the Secretary makes a record in the proceedings book. The Secretary is P.W. 20 He is certain that there is an entry in the proceedings book regarding the decision taken in the General Body as to the party or the candidate that should be supported in the elections of 1967. He admits that Raita Sangh at Udipi is a branch of the District Raita Sangha of Mangalore. Even in regard to the decision of the Raita Sangha, he says that P.W. 20 is the Secretary of the Raita Sangha and the proceedings of the local as well as General Body meetings of the Raita Sangha were recorded in the minutes book. He states that the General Body meeting of the Raita Sangha was convened after ascertaining the view of the individual members and also holding meetings. The President and the Secretary have made entries in the said proceedings book. He says that more than 20 local meetings of the members of the Raita Sangha were held a month prior to the polling date. It is unnecessary for me to consider the evidence of this witness relating to the use of the communist flag, as it is not material. The evidence of these witnesses, so far as it relates to the decision of the Left Communist Party to support the second respondent or the Right Communist Party to support the P.S.P. candidate does not inspire confidence. It would not have been difficult to place reliable material in the shape of resolutions by the Left Communist Party to prove that they had decided to support the 2nd respondent and the Right Communist Party to support the P.S.P. candidate. The evidence of P.W. 20 is almost of the same nature. He is the Secretary of both the Associations and he and his Co-workers numbering 150 have worked for the 2nd respondent. His statement that if the 2nd respondent had not stood as a candidate, the support of the Left Communist Party would have been for the P.S.P. is merely an opinion and an inference and cannot be accepted. Similar is his evidence regarding the attitude of the Billava voters that they were not prepared to vote for the Congress Party and that 95 per cent of the Billava Voters would have voted in favour of the P.S.P. if respondent 2 had not stood as a candidate. When there was no decision taken by the Central Office as

to whom the party should give its support so far as the Udipi Constituency is concerned he says that a decision was taken by the local Communist Party. This decision was communicated to the Central Office. He further mentions that he had not received any direction from any quarter that he should assist the P.S.P. candidate. But in respect of Kaup Constituency, the Leftist Party at Udipi decided to support the P.S.P. candidate. It is extremely hard to accept such uncorroborated statements while documentary evidence should have been available if what they state is true. This witness further states that there were four contestants in the Udipi Parliamentary Constituency and they were from Congress Party, Swatantra Party, P.S. Party and Independent. He says that they supported Swatantra Party Candidate, while admitting that the policy of the Swatantra Party is contrary to the policy adopted by the Communist Party. This looks improbable. It is significant as already mentioned that no record of the proceedings of the Communist Party either the Rightists or the Leftists has been produced in this case. He states that when the 2nd respondent desided to stand against the Congress Party, a split was expected in the votes and he hoped that the 2nd respondent would get congress votes also. It shows that if the 2nd respondent had not stood, whatever support he got from the Congress Party would have gone to the benefit of respondent No. 1. This witness further states that other persons belonging to other communities have also worked for the 2nd respondent.

In view of the foregoing discussion and quite apart from the uncertainty involved as to the number of votes which the P. S. P. candidate would secure if the petitioner's plea is true, it is not possible to conclude that the 2nd respondent had the support of the Left Communist group and if he had not stood for election their votes on block would have gone in favour of the P. S. P. candidate.

Next a reference may be made to the argument that the respondent had the support of Billava voters and that if he had not stood for election, the entire Billava Community voters would have voted in favour of the P. S. P. candidate.

In this connection, several witnesses have been examined by the petitioners to speak to the fact that the voters belonging to the Billava Community stated that they would vote for the 2nd respondent and if he had not stood for election, they would have voted in favour of the P. S. P. candidate.

The plea of the petitioners is that the strength of voters of the Billava community is about 8,000 to 9,000. If the petitioners' case is believed, then the entire 8,000 or 9,000 votes would have gone in favour of the Praja Socialist Party candidate. The petitioners have examined several witnesses with a view to discharge the burden of proof which is heavily on them. The petitioners have examined witnesses who have worked for the candidate of the P. S. P. as also some who have worked for the second respondent. P. W. 2 says that he went canvassing amongst the members of the Billava Community whom he met and they were all saying that they were only for the 2nd respondent and that in his view if the 2nd respondent had not stood as a candidate for election, the voters of the Billava community would have exercised their votes in favour of U. S. Naik. In the first place, the evidence of this witness is interested in as much as he is a person who worked for a P. S. P. candidate. Secondly, even if it is proved that the voters whom he met said that they would only vote for the second respondent, it is impossible to act upon such a statement, because several forces come to play, before the voter actually exercises his franchise. It is not unusual that voters almost invariably express themselves in favour of any party or individual that approaches them for support in order to avoid unpleasantness. Therefore, it is most unsafe to rely upon the statement of any voter that he would vote in favour of a particular candidate. The position would be worse if the evidence is that the voters are alleged to have stated. Further, the evidence of this witness regarding his view which I have referred to above is a matter of inference and cannot be treated as evidence. P. W. 3 like P. W. 2 worked for the P. S. P. candidate. His evidence is to the same effect as that of P. W. 2. P. W. 7 is a person who worked

in the area of Alevoor for the P. S. P. His evidence is also to the same effect as that of P. W. 3. He also states that the Billava voters stated that they would vote only for the 2nd respondent and that if the second respondent had not stood for election, they would have voted for the P. S. P. P. W. 8 says that in Puttur area he worked for the P. S. P. in the 1967 elections. His evidence is to the same effect as that of P. W. 2 and P. W. 3. P. W. 17 is also a person who worked for the P. S. P. candidate and he states that Billava voters told him that they would vote for the 2nd respondent who is a member of their community. He does not even say the Billava voters said that they would vote in favour of the P.S.P. candidate. P.W.9 worked for the P.S.P. candidate in some areas of Shivalli village. P. W. 11 also worked for the P. S P. candidate and the evidence of these two is the same as those referred to earlier. P. W. 11 in his cross-examination, however, states that except Billava voters, all the voters whom he met promised to vote for the P. S. P. candidate. It is very difficult to believe the evidence of this witness as it is opposed to the actual result of the polling. Similarly, P. W. 12, P. W. 16, P. W. 18 and P. W. 19, worked for the P. S. P. candidate in Udipi Town. Their evidence is similar to the evidence of other witnesses who worked for the P. S. P. candidate and to whom a reference has already been made.

P.W. 4 is a Christian who worked for the 2nd respondent. His evidence is that Billava community voters said that they would vote in favour of 2nd respondent, who was a member of their community and if he had not stood as a candidate for election, the voters of the Billava community would have voted for the P.S.P. candidate as they were against the election of the Congress candidate. P.W. 5 was a Polling Agent of the 2nd respondent and he canvassed in the area of the Manipal Campus. His evidence is the same as that of P.W. 4. P.W. 6 is also a person who worked for the 2nd respondent in Udayavara village. Similarly, P. W. 13, P. W. 14 and P. W. 15 worked for the 2nd respondent. All these persons belong to the Billava community. P. W. 21 is a

person who is a polling Agent of the 2nd respondent. His evidence is to the same effect. He says that he met 1,500 voters in the Badagabettu village and Herga villages and out of them 400 were Billava voters. This witness says that they were all disposed to vote for the P.S.P. candidate with a view to defeat the Congress candidate but after he spoke to the voters, they became inclined to vote in favour of the 2nd respondent. This evidence is conjectural and stands on the same footing as the statements of several other witnesses, adverted to earlier and it is impossible to relay on it.

As against this evidence, the first respondent has chosen to examine several witnesses who were the Polling Agents of the 2nd respondent. R.W. 1 in his evidence states that he canvassed for the 2nd respondent in Kodavur and Malpe areas and he met more than 3000 voters. He says that he is even now a Congressman. He says that if the 2nd respondent had not stood for election as a candidate, the voters would have exercised their votes in favour of the Congress party candidate. He further says that if the 2nd respondent had not stood for elections as a candidate, he, his relations and his a tenants would have also acted in the same way. He adds that if the 2nd respondent had not stood as a candidate, he would have worked for the Congress candidate. R.W. 2 is Billava like R.W. 1. He was also a Polling Agent of the 2nd respondent. His evidence is to the same effect as that of R.W. 1. He states that some of the voters told him that if the 2nd respondent had not stood for elections, they would have voted for the Congress party only. Further he states that the public opinion regarding the P.S.P. candidate was not favourable. R.W. 6 worked in the Puttur area as a Polling Agent of respondent 2. R.W. 8 worked as a Polling Agent at Ambalpady area. Their evidence is the same as that of R.W. 2. R.W. 9. was a polling Agent of 2nd respondent. He says that he met about 600 to 700 voters in Kannarpady of Udipi Town. He also says that if the 2nd respondent had not stood for election, he would have worked for the Congress. R.W. 10 is also a Polling Agent of

the 2nd respondent, who worked in Herga Village. His evidence is to the same effect as that of R.W. 9. R.W. 11 is a Municipal Councillor of Udipi Town. He is a member of the Congress Party and he has worked for the Congress candidate. His evidence shows that a majority of the members of the Udipi Municipal Council belong to the Congress Party and like him several Municipal Councillors worked for the Congress Party in the Udipi Town. The comments I have made in regard to the petitioner's witnesses apply to the evidence adduced by the respondent also. It is difficult to rely upon such evidence.

I do not find it necessary to go into the details of the number of voters of the Billava community whom the witnesses contacted for the number of voters that belonged to the left or Right Communist Party. The evidence in that regard is totally vauge and unreliable, and even otherwise leads to no definite result.

Several other factors have been pressed by the respondent's counsel. He submits that there is affinity between Billava and fishermen, suggesting thereby that if the 2nd respondent has not stood for election, the votes cast in his favour would have been in favour of the respondent. The 2nd respondent belongs to Billava community and while the first respondent belongs to the fishermen community. Though the Election Law deprecates the casting of votes on communal considerations it is submitted that communal considerations do come into play and in this case it has acted. Regarding the communal affinity, the respondent's counsel had drawn my attention to the evidence of P.W. 2 who says that in all public and social activites, the two communities act in concert. P.W. 13 states that the Billavas and fisherman are governed by Aliyasanthana Law. P.W. 15, who is himself a Billava, states that he is a tenant of Krishnappa, who belongs to the fishermen community. This witness says that Krishnappa was a well-known man in the party and he is held in esteem and affection by all the members of his community. This Krishnappa died after the elections. The evidence of this witness bearing on the

affinity between Billavas and fishermen is corroborated by the evidence of R.W. 1, R.W. 2 and R.W. 4. R.W. 1 states that the Billavas are engaged in catching fish and cultivation of lands. Some of them manufacture Palmyra jaggery. Fishermen are also engaged in the same occupation as Billavas excepting manufacture and trading in jaggery. R.W. 2 who is also a Billava as R.W. 1 states that he trades in fish and he purchases them from fishermen indicating thereby that the members of the community are interdependent. R. W. 4 who is acquainted with Padukere area which lies along the coast line, says that there are only two communities in that area and they are Billavas and fishermen (Moguveera). The evidence refereed to above lends support to the submission that there is a great affinity between Billavas and fishermen. Another factor that has been brought to my notice by the respondent is that several non-Billavas have worked for respondent No. 2 indicating thereby that respondent No. 2 has polled votes from other communities also. It is pointed out that P.W 4 is a Protestant Christian who worked for the 2nd respondent. P. W. 5 is a Shivalli Brahmin who acted as Polling Agent of the 2nd respondent and who worked for him. There is evidence adduced by the respondent stating that all communities promised to support respondent No. 2. In fact, several of the 2nd respondent's polling agents who have been examined by the respondent are non-Billavas. Hence the theory advanced by the petitioners that votes polled by 2nd respondent were by and large that of the Billava voters cannot be accepted. Taking all these factors into consideration, quite apart from the fact that a large part of the evidence is inferential, it is impossible to predicate that the requisite number of votes polled in favour of the 2nd respondent would have been cast in favour of the P. S. P. candidate so as to secure to him the majority of votes. Another factor that should be borne in mind is that there are other three candidates in the field and it cannot be ruled out that they too would have shared the wasted votes. Therefore, it appears to me that the observations made by the Madras High Court in 8 E. L. R. 66 (Subramania

Goundar v. Election Tribunal) apply very aptly to the circumstances of this case. At page 77, Justice Subbarao, as he then was, observed as follows :—

> "It is easy to bring in a witness to depose how he would have voted if he had a chance to do so; but it is impossible in the nature of things to predicate that he would have done so in favour of the petitioner. It would have depended upon so many circumstances. The atmosphere prevailing at the election, the influence brought to bear on him, the strength of his party affiliations and many other considerations of momentary nature. Secondly, such evidence offends the principle of the election law embodied in the Act, namely, the secrecy of the ballot."

Therefore, the existence of so many uncertain factors referred to by me make it impossible to accept that the petitioners have established that if the second respondent's nomination had not been accepted, the result of election, in so far as the first respondent is concerned, would have materially affected. In spite of the large volume of evidence, the petitioners have adduced, it cannot escape the comment that it is conjectural and speculative and does not lead to any definite conclusion that the result of the election has been materially affected. Therefore, my finding on the second issue is against the petitioner.

The next contention relates to the third issue in the case. It is urged by the petitioners that the first respondent is the President of the South Kanara District Co-operative Fish Marketing Federation, Mangalore, and, therefore, he comes within the disqualification prescribed under section 10 of the Representation of the People Act. Section 10 reads as follows:

> "Disqualification for office under Government Company.—A person shall be disqualified if, and for so long as, he is a managing agent, manager or secretary or a company or corpora-

tion (other than a co-operative society) in the capital of which the appropriate Government has not less than twenty-five per cent share."

It is not disputed by the petitioners that the institution of which the respondent is the President is a Co-operative Society. They do not also contend that the respondent being the President of a Co-operative Society is exempt from the operation of Section 10 of the Act. But they contend that the exemption provided in the section in respect of co-operative societies is opposed to Article 14 of the Constitution. They submit that the provision exempting Co-operative Societies from the operation of Section 10 is discriminatory. It is pointed out that from exhibit P-12 it is clear that the share capital contributed by the Government is Rs. 2,04,000 while the share capital contributed by the Societies and the individuals together amounts to Rs. 51,100. It is also pointed out that the President of the Society has received remuneration of Rs. 4,852 as honorarium for the year 1965-66. If the exemption provided in respect of co-operative societies is *void* as being violative of Article 14 of the Constitution, then the disqualification provided under Section 10 will attach to the respondent. Sri Karanth tried to found his argument on the principle enunicated in A.I.R. 1955 Supreme Court P. 459 (Sathyanathan v. Subramanyan) that section 10 is intended to ensure that there is no occasion for a conflict between public duty and private interest. It is also pointed out that under the bye-laws, the President has powers of a managing agent, manager or secretary of any company. But the objection raised by the respondent's counsel in respect of this contention is two-fold. One is that the petitioners have no *locus standi* to question the *vires* of section 10 in as much as their interests are in no manner affected and they cannot be deemed to be aggrieved parties. In this connection, reliance is placed upon the decision reported in A.I.R. 1951, Supreme Court at page 41. (Charanjit Lal v. Union of India). It is laid down that no one except those whose rights are directly affected by a law can raise questions of the constitutionality of that law

The said decision also makes a distinction between the company and the shareholders and States that they are separate entities and if the allegation is made that any property belonging to the company has been taken possession of without compensation or the right enjoyed by the company under Article 19(1)(f) has been infringed, it would be for the company to come forward to assert or vindicate its own rights and not for any individual shareholder to do so. It appears to me that these observations cannot be of much avail to the respondent in view of the fact that under Section 81 of the Act, the voter is permitted to question the result of any election by filing an election petition. Therefore, it cannot be said that a voter can be treated as a person whose rights are not directly affected by the law which is impugned. He further contends that exemption of a Co-operative Society under Section 10 cannot be held to be discriminatory and violative of Article 14 of the Constitution. Reliance is placed on the decision of the Supreme Court in A.I.R. 1964 Supreme Court at page 980 (Mohamed Ali v. Union of India) wherein the provisions of the employees Provident Funds Act (1952) came up for consideration. The Supreme Court observes that the Act applies to all establishments except those mentioned Cl(1) of S. 16, as amended by Act 46 of 1960 which exempts establishments registered under the Co-operative Societies Act. The Co-operative Societies stand on a special footing which distinguishes them from other establishments or corporations. Under clause (1) of Section 16, establishments registered under the Co-operative Societies Act are exempted, because it is well-known that it is the settled policy of the Government to foster co-operative societies with a view to their development and growth in the interests of the community This view has also been taken by the Supreme Court in the cases reported in A.I.R. 1963 Supreme Court, pages 99 and 104 (Orient Weaving Mills v. Union of India). Therefore, the petitioners' contention that the classification is unreasonable cannot be sustained. There is a more formidable difficulty in the way of the petitioners. In A.I.R. 1954 Supreme Court, 686 (Jamuna Prasad v. Lachmi Ram), it is categorically laid down that the

petitioners as in this case cannot question the *vires* of any of the provisions of the Act in the proceedings under Section 81 of the Act. The pertinent observations of the Supreme Court in this regard are as follows :—

> "Both these provisions, namely sections 123(5) and 124(5), were challenged as '*ultra vires*', of Article 19(1)(a) of the Constitution. It was contended that Article 245(1) prohibits the making of laws which violate the Constitution and that the impugned sections interfere with a citizen's fundamental right to freedom of speech. There is nothing in this contention. These laws do not stop a man from speaking. They merely prescribe conditions which must be observed if he wants to enter parliament. The right to stand as a candidate and contest an election is not a common law right. It is a special right created by the statute. *The fundamental Rights Chapter has no bearing on a right like created by the statute. The appellants have no fundamental right to be elected members of Parliament.*
>
> If they want they must observe the rules. If they prefer to exercise their right of free speech outside these rules, the impugned sections do not stop them. We hold that these sections are *intra Vires*".

(The underline is mine),

In view of the law laid down as above, it is not open to the petitioners to question the *vires* of Section 10 of the Act. The contention of the respondent that if the objection of the petitioners in regard to the *vires* of the exception provided in Section 10 is valid, then the entire section will be *ultra vires* Art 14 of the Constitution does not arise for consideration. Therefore, my findings on the third and the fourth issues are that Section 10 is *intra vires* the Constitution, and the first respondent comes within the exception provided in Section 10, and, therefore, he is not

disqualified from standing for election as a candidate, to the Mysore Legislative Assembly.

In view of my findings on issues Nos. 2, 3 and 4, the petition fails and is dismissed with costs of respondent No. 1, Advocate's fee Rs. 1,000.

(Sd.) K. R. Govivallabha Iyengar,
4-10-1967.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission,
India.

NOTIFICATION

No. FCL 27 RRM 67, dated 13th November 1967.

Ordered that the accompanying Notification No. G.S.R. dated 21st October 1967, which has published in the *Gazette of India* Part II, Section 3, sub-section (1) dated 28th October, 1967 regarding amending the explanation at the end of clouse 3-A of the Rice Southern Zone (Movement Control) Order, 1957, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

1714 I. S. SHAIKH,

Deputy Secretary to Govt.,
Food Civil Supplies and Labour Department.

Copy of Order No. 204 (SRZ) (1) 975/65-PY-II dated the 21st October, 1967 from the Deputy Secretary to the Government of India, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), New Delhi.

ORDER.

GOVERNMENT OF INDIA

MINISTRY OF FOOD

G.S.R. .—In exercise of the powers conferred by section 3 of the Essintial Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Rice (Southern Zone) Movement Control Order, 1967, namely :—

1. This Order may be called the Rice (Southern Zone) Movement Control Amendment Order, 1967.

2. In the Rice (Southern Zone) Movement Control Order 1967, in the 'Explanation' at the end of clause 3-A, for the words "and Orissa State", the words 'and Orissa States and the area comprising Goa in the Union territory of Goa, Daman and Diu" shall be substitued.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

NOTIFICATION.

No. LAW 151 LCR 67, Bangalore, dated 14th November 1967.

Ordered that the Sugarcane (Control) Second Amendment Order, 1967 published in G. S. R. No. 1591 dated 17th October 1967, which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (i) dated the 17th October 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

146 H. K. ANANTHASUBBA RAO,

Under Secretary to Government,
Dept. of Law and Parliamentary Affairs.

GOVERNMENT OF INDIA

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

(Department of Food)

ORDER

New Delhi, the 17th October 1967.

G. S. R. 1591/Ess. Com./Sugarcane.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order namely:—

1. (1) This Order may be called the Sugarcane (Control) Second Amendment Order, 1967.

(2) It shall come into force on the date of its publication in the Official Gazette.

(2) In the Sugarcane (Control) Order, 1966, clause 11 shall be renumbered as sub-clause (1) thereof and after sub-clause ( ) as so renumbered, the following sub clause shall be inserted, namely:—

"(2) Where all or any of the powers conferred upon the Central Government by this Order have been delegated in pursuance of sub-clause (1) (b) to any officer or any authority of a State Government, every Order of direction issued by such officer or authority in exercise of that power may be amended, varied or rescinded by the State Government to whom the officer or authority is subordinate either *suo motu* or an application made within a period of thirty days from the date of the order or direction:

Provided that no order revoking a licence or a permit issued to a person shall be made without giving such person an opportunity to make representation".

[No. 22'23)/66-S.Py.].

K. L. PASRICHA, Jt. Secy.

NOTIFICATION.

No. LAW 149 LCR 67 Bangalore, dated 14th November 1967.

Ordered that the accompanying Notification No. G S.R. 1508, dated 30th September 1967 making the amendment to the order of the Government of India in the Ministry of Food, Agriculture Community Development and Co operation (Dept. of Food) No. G.S.R. 1111, dated 24th July 1967 which has been published in the *Gazette of India*, Extraordinary Part II, Section 3, sub section (1), dated the 30th September 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

Under Secy. to Govt.,
Department of Law and
Parliamentary Affairs.

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GOVERNMENT OF INDIA

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

(Department of Food)

ORDERS

New Delhi, the 30th September, 1967.

G. S. R 1508.—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following amendment to the Order of the Government of India in the Ministry of Food, Agriculture, Community

Development and Co-operation (Department of Food), No. G.S.R. 1111, dated the 24th July, 1967, namely :—

In the said Order, for condition (2), the following condition shall be substituted, namely :—

"(2) that before making an Order relating to any matter specified in the said clause (a), (c) or (f) or in regard to distribution or disposal of foodstuffs to places outside the State or in regard to regulation of transport of any foodstuff, under the said clause (d), the State Government shall also obtain the prior concurrence of the Central Government.".

[No. 203(Genl)(9)/970/67-PY.II]

R. BALASUBRAMANIAN, Jt. Secy.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

NOTIFICATION.

No. LAW 150 LCR 67, Bangalore, dated 14th November 1967.

Ordered that the Fertiliser (Control) Second Amendment Order, 1967, published in G.S.R. No. 1524 dated 3rd October 1967, which has been published in the *Gazette of India, Extraordinary* Part II, Section 3, sub-section (1), dated the 14th October 1967 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

149 *Under Secy. to Govt., Department of Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

(Department of Agriculture)

New Delhi, the 3rd October 1967.

G.S.R. 1524.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Fertiliser (Control) Order, 1957, namely :—

1. This Order may be called the Fertiliser (Control) *Second* Amendment Order, 1967.

2. In the Fertilizer (Control) Order 1957—

(i) In Form 'A' :—

(i) in items 2A, 7(i) and 7A, for the word 'principals' the words 'fertilizer manufacturers or wholesale dealers or agent's shall be substituted ;

(ii) in item '7A', for the word 'and' occurring before the words 'the source/sources' the word 'indicating' shall be substituted;

(iii) the Note at the end shall be numbered as Note 1 and after the Note as so numbered, the following Note shall be inserted namely:—

"Note 2-A certificate from the fertilizer manufacturers or wholesale dealers or agents need not be attached to an application for a dealer's licence if it relates only to raw bonemeal or steamed bonemeal or both".

2. In Form 'AA'—

(i) after item 5, the following item 6 shall be inserted, namely;—

'6 I enclose a certificate from the fertilizer manufacturers or wholesale dealers or agents Whom I represent or whom I intend to represent indicating the source/sources from which fertilizers will be obtained."

(ii) after item 6, the following Note shall be inserted, namely:—

"Note. A Certificate from the fertilizer manufacturers or wholesale dealers or agents need not be attached to an application for amendment to a dealer's licence if it relates only to raw bonemeal or steamed bonemeal or both."

3. In Form 'C'—

in item 3(ii) and 3(iii)(b), for the word "principals", the words "fertilizer manufacturers or wholesale dealers or agents" shall be substituted.

[No. 16-10/66-M.]

M. SUBRAMANIAN, Dy. Secy.

NOTIFICATION.

No. LAW 145 LCR 67, Bangalore, dated the 14—16th November 1967.

Ordered that the accompanying Notification No G.S.R. No. 1506, dated 30th September 1967 making amendments in the notification of the Government of India, in the Ministry of Food and Agriculture, Community Development and Cooperation (Dept. of Food) No. G. S. R. No. 1477 Essential Commodities Sugarcane dated 25th September 1967 which has been published in the *Gazette of India*, Extraordinary Part II, Section 3, sub-section (i), dated the 30th September 1967 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

150 *Under Secretary to Government,*
Dept. of Law and Parliamentary Affairs.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

(Department of Food)

NOTIFICATION

New Delhi, the 30th September 1967.

G.S.R. 1506 Ess.com/Sugarcane.—In exercise of the powers conferred by clause 3 of the Sugarcane (Control) Order, 1966, the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No.

G. S. R. 1477/Ess,Com./Sugarcane, dated the 25th September, 1967, namely :—

In the Schedule to the said notification,—

(i) under the heading "Madhya Pradesh", after serial number 4 and the entries relating thereto, the following serial number and entries shall be inserted, namely :—

1	2	3
"5	Seth Govindram Sugar Mills, Ujjain	P.O. Mehidpur Road, Distt. 7.37";

(ii) under the heading "Mysore", after serial number 8 and the entries relating thereto, the following serial number and entries shall be inserted namely :

1	2	3
"9.	The Mysore Sugar Co. Ltd., Mandya,	Distt. Mandya. 7.75".

[No. 14-5/66-Sugar.]

K. L. PASRICHA, Jt. Secy.

NOTIFICATION.

No. LAW 145 LOR 67, Bangalore, dated 14—16th November 1967.

Ordered that the Indian Passport (Amendment) Rules, 1967 published in G. S. R. No. 1454 dated 20th September, 1967 which has been published in the *Gazette of India* Extraordinary Part II, Section 3, sub-section (i) dated the 30th September 1967 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

Under Secretary to Government,

151 *Dept. of Law and Parliamentary Affairs*

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS

New Delhi, the 20th September 1967.

G.S.R. 1454.—In exercise of the powers conferred by Section 3 of the Passport (Entry into India) Act, 1920, the Central Government hereby makes the following rules further to amend the Indian Possport Rules, 1950, namely :—

1. (1) These rules may be called the Indian Possport (Amendment) Rules, 1967.

(2) They shall come into force at once.

2. In the Indian Passport Rules 1950—

in sub-rule (i) of rule 1, for the words and figures "the Indian Passport Rules, 1950", the words, brackets and figures "the Passport (Entry into India) Rules, 1950" shall be substituted ;

(ii) in sub-rule (i) of rule 4, clauses (c) and (d) shall be omitted.

(iii) in clause (iii) of Rule 5—

(a) for the third and fourth provisos, the following proviso shall be inserted, namely :—

"Provided further that when issued by or on behalf of any such Government to any person whose status is described therein as a "British Subject", it shall also have been endorsed by a proper Indian or British diplomatic, consular or passport authority by way of visa for India valid for such period as may be specified therein".

[No. 6/10/67-(i)-F.I.]

FATEH SINGH Jt. Secy

NOTIFICATION.

No. LAW 146 LCR 67, Bangalore, dated 14—16th November 1967.

Ordered that the Registration of Foreigners (Exemption) Second Amendment Order, 1967 published in G.S.R. No. 1455, dated 20th September 1967, which has been published in the *Gazette of India*, Extraordinary Part II, Section 3, sub-section (i), dated the 30th September 1967, be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

152 *Under Secretary to Government,*
Dept. of Law and Parliamentary Affairs.

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS

New Delhi the dated 20th September 1967.

G.S.R. 1455 —In exercise of the powers conferred by section 6 of the Registration of Foreigners Act, 1939 (16 of 1939), the Central Government makes hereby the following order further to amend the Registration of Foreigners (Exemption) Order 1957, namely.—

1. (1) This order may be called the Registration of Foreigners (Exemption) Second Amendment Order, 1967.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Registration of Foreigners (Exemption) Order, 1957—

(i) in paragraph 3—in sub-paragraph (2),

(a) Clauses (a), (c) and (1) shall be omitted ;

(b) in sub-paragraph (3), the word "and" occurring at the end of clause (d) and clause (e) shall be omitted.

(ii) in paragraph 5, for the words "Portuguese possessions in India, the Federation of Malaya", the word "Malaysia" shall be substituted.

[No. 6/10/67-(i) F.I.]

HARBH SINGH, Jt. Secy.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 10th November, 1967.

ORDER

No. MY-LA/89/67.—WHEREAS the Election Commission is satisfied that Shri P. R. Swaminath, Puttathimme Gowda, No. 109, IInd Main Chamarajpet, Bangalore-18, a contesting candidate for election to the Mysore Legislative Assembly from 89-Magadi constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri P. R. Swaminath to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1,
Dated the 9th November, 1967.

ORDER

No. MY-LA/135/67.—WHEREAS the Election Commission is satisfied that Shri Abdur Rahim Ahmed s/o Shri Haji Ahmed, Sadaquat Manzil, Mangalore-1, a contesting candidate for election to the Mysore Legislative Assembly from 135-Mangalore-I constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri Abdur Rahim Ahmed to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

NOTIFICATION.

No. LAW 153 LOR 67, Bangalore, dated 17—19th November 1967.

Ordered that the accompanying Notification No. S. O. 3419 dated 22nd September 1967 declaring the areas shown in the column (3) of the Schedule hereto annexed and forming part of the territory of the State or the union territory as the case may be, specified in the corresponding entry in column (2) thereof to be 'urban areas' for the purposes of Chapter XXII-B of the Income tax Act, 1961 (43 of 61) which has been published in the *Gazette of India*, Extraordinary, Part II. Section 3, sub-section (ii), dated the 22nd September 1967 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secy. to Govt.,
162 *Dept. of Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

NOTIFICATION

INCOME-TAX

New Delhi, the 22nd September 1967.

S. O. 3419.—In pursuance of clause (d) of section 280Y of the Income-tax Act 1961 (43 of 1961), the Central Government hereby declares the areas shown in column (3) of the Schedule hereto annexed and forming part of the territory of the State or the Union territory,

as the case may be, specified in the corresponding entry in column (2) thereof to be 'urban areas' for the purposes of Chapter XXII-B of the said Act, namely :—

SCHEDULE

Serial No.	Name of the State or the Union territory	Details of the area
1	2	3
1	Bihar	... Areas within the municipal limits of— (*i*) Patna Town ; (*ii*) Ranchi Town.
2	Delhi	... All areas in the Union territory of Delhi in which industrial use has been declared as a non-conforming use in the Master Plan prepared under section 7 of the Delhi Development Act, 1957 (61 of 1957).
3	Gujarat	... Areas within the municipal limits of— (*i*) Ahmedabad city. (*ii*) Baroda City. (*iii*) Bhavnagar city. (*iv*) Jamnagar city. (*v*) Rajkot city. (*vi*) Surat city.
4	Kerala	... (1) Areas within the limits of— (*i*) Cochin municipality (*ii*) Ernakulam municipality (*iii*) Mattancherry municipality (2) Areas included in the Revenue Ward Nos. 1 to 25 in the Calicut Municipal Corporation.

1	2		3
5	Madras	...	Areas within a radius of— (*i*) 10 miles from the Collector's office, Coimbatore (*ii*) 20 miles from Fort St. George in Madras (*iii*) 10 miles from the Collector's office in Madurai.
6	Maharashtra	...	(*i*) Bombay–Thana area (*ii*) Poona-Pimpri-Chinchwad area (*iii*) Kalyan area (*iv*) Areas within the limits of— (*a*) Nagpur Municipal Corporation (*b*) Sholapur Municipal Corporation
7	Manipur	...	Area within the limits of Imphal Town
8	Mysore	...	Area within the limits of Bangalore Corporation
9	Punjab	...	Areas within the municipal limits of (*a*) Amritsar (*b*) Jullundur (*c*) Ludhiana
10	Uttar Pradesh	...	Areas within the limits of— (*i*) Agra Corporation (*ii*) Firozabad Municipality (*iii*) Kanpur Corporation (*iv*) Lucknow Corporation (*v*) Meerut Municipality (*vi*) Varanasi Corporation

(No. 104/F.No. 1(147)/65-Tpl.)

S. A. L. NARAYANA ROW, *Addl. Secy.*

NOTIFICATION.

Department of Law and Parliamentary Affairs.

No. LAW 147 LCR 67, Bangalore, dated 14th—16th November 1967.

Ordered that the accompanying Notification No. G.S.R. 1477, dated 25th September 1967 directing that during the year 1967-68 (1st October 1967 to 30th September 1968) payment shall be made by a producer of Sugar by vacuum pan process or his agent for Sugarcane delivered at the gate of any factory mentioned in column (2) of the schedule or at any purchasing Centre of a minimum price specified against that factory in column 3 thereof which has been published in the *Gazette of India*, Extraordinary Part II, Section 3, sub-section (i), dated the 25th September 1967 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. Ananthasubba Rao,

153 *Under Secy. to Govt. Dpet. of Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA

MINISTRY OF FOOD, AGRICULTURE COMMUNITY DEVELOPMENT AND CO-OPERATION

(Department of Food)

NOTIFICATION

New Delhi, the 25th September 1967.

G.S.R. 1477/Ess Com./Sugarcane.—In exercise of the powers conferred by clause 3 of the Sugarcane (Control) Order, 1966 the Central Government hereby directs that during the year 1967-68 (1st October 1967 to 30th September, 1968) payment shall be made by a producer of sugar by vacuum pan process or his agent, for

sugarcane delivered at the gate of any factory mentioned in column (2) of the Schedule hereto annexed, or at any purchasing centre, of a minimum price specified against that factory in column (3) thereof :

Provided that—

(a) for sugarcane delivered at any purchasing centre connected by rail and transported by rail, payment shall be made at thirty-two paise per quintal less than the aforesaid minimum price;

(b) a rebate not exceeding 2·5 paise (two and a half paise) per quantal per kilometre subject to a maximum of 32 paise per quintal may be deducted out of the aforesaid minimum price by a producer of sugar by vacuum pan process in the case of sugarcane transported by such producer by road in his transport from the purchasing centre to the factory gate and the rebate so deducted shall be subject to a certificate issued by the Central Government or under the directions of the Central Government, the State Government or any officer or authority of the Central Government or State Government as regards the actual distance of the purchasing centre concerned from the factory and the rate per kilometre applicable in that case on the basis of which the rebate is charged;

Explanation.—For the purpose of this clause a distance of less than half a kilometre shall be ignored while a distance from half a kilometre to a full kilometre shall be counted as a full kilometre.

(c) the Central Government or, under the directions of the Central Government, the State Government or any officer or authority of the Central Government or State Government, may allow a suitable rebate in the aforesaid minimum price for any good reason; and

(d) where the sugarcane is brought bound in bundles and weighed in bundles, the Central Government or, under the directions of the Central Government, the State Government or any officer or authority of the Central Government or State Government may allow a suitable rebate on account of the weight of the binding material in the total weight.

2. This Notification shall come into force with effect from the 1st October 1967.

3. The Notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) No G.S.R 1704/Ess. Com./Sugarcane, dated the 1st November, 1966 shall cease to operate with effect on and from the date mentioned in paragraph 2 above except as respects things done or omitted to be done before such cesser of operation.

THE SCHEDULE

Sl. No.	Name of the factory	Minimum sugarcane price in Rupees per quintal
1	2	3
	HARYANA	
1	The Saraswathi Sugar Mills, P. O. Yamunanagar, District. Ambala. ...	7'37
2	The Haryana Co-operative Sugar Mills Ltd., Rohtak P. O., Dist. Rohtak. ...	7'37
3	The Panipat Co-operative Sugar Mills Ltd., Panipat P. O. Dist. Karnal. ...	7'37
	PUNJAB	
1	The Morinda Co-operative Sugar Mills Ltd., Morinda, Distt. Rupar. ...	7'37
2	The Jagatjit Sugar Mills Co. Ltd., Phagwara, Distt. Kapurthala ..	7'37
3	The Malwa Sugar Mills Co. Ltd., Dhuri, Distt. Sangrur.	7'37
4	The Janta Co-operative Sugar Mills Ltd., Bhogpur P. O. Distt Jullundur. ...	7'37
5	The Batala Co-operative Sugar Mills Ltd., Batala, Distt. Gurdaspur. ...	7.37
	UTTAR PRADESH	
1	The Modi Sugar Mills (Prop. The Modi Industries Ltd.), Modinagar, Distt. Meerut. ...	7'37
2	Ram Luxman Sugar Mills, P. O. Mohiuddinpur, Distt. Meerut. ...	7'37
3	Jaswant Sugar Mills Ltd., Meerut City, Distt. Meerut. ...	7'37
4	Daurala Sugar Works, Daurala Distt. Meerut. ...	7'37
5	Diwan Sugar and General Mills Private Ltd., P. O. Sakhoti Tanda, Distt. Meerut. ...	7'37
6	Mawana Sugar Works, Mawana, Distt. Meerut. ...	7 37

1	2	3
7	The Bagpat Co-operative Sugar Mills Ltd., P. O. Bagpat, Distt. Meerut	7.37
8	The Simbhaoli Sugar Mills Pvt., Ltd., P. O. Simbhaoli, District Meerut.	7.37
9	The Upper India Sugar Mills Ltd., Khatauli, District Muzaffarnagar.	7.37
10	Sir Shadi Lal Sugar and General Mills Ltd., Mansurpur, District Muzaffarnagar.	7.37
11	The Amritsar Sugar Mills Co. Ltd., Rohanakalan, P. O. Rohana Mills, Dist. Muzaffarnagar ...	7.37
12	The Upper Doab Sugar Mills Ltd., Shamli, Distt. Muzaffarnagar	7.37
13	The Pannijee Sugar and General Mills, Co., Panninagar Dist. Bulandshahr	7.42
14	Shri Janki Sugar Mills & Co., Doiwala, Dist. Dehradun	7.64
15	The Ganga Sugar Corporation Ltd., Deoband, Dist. Saharanpur ...	7.55
16	The Lord Krishna Sugar Mills Ltd., Saharanpur, Dist. Saharanpur ...	7.37
17	Kisan Co-operative Sugar Factory Ltd., P.O. Sarsawa, Dist. Saharanpur ...	7.37
18	Rai Bahadur Narain Singh Sugar Mills Pvt., Ltd., Lhaksar, Dist. Saharanpur ...	7.64
19	The Mahalakshmi Sugar Mills Co., Ltd., Iqbalpur P.O., Dist. Saharanpur ...	7.37
20	Shiv Prasad Banarsidas Sugar Mills, Bijnor, Dist. Bijnor ...	7.46
21	Upper Ganges Sugar Mills Ltd., Seohara, Dist. Bijnor ...	7.64
22	The Dhampur Sugar Mills Ltd., P.O. Dhampur Dist. Bijnor ...	7.58
23	The Ajudhia Sugar Mills, P.O. Rajpura Sahaspur, Dist. Moradabad ...	7.58
24	Kundan Sugar Mills, Amroha, Dist. Moradabad...	7.53
25	Raza Buland Sugar Co. Ltd., P O. Rampur, Dist. Rampur ...	7.53
26	H. R. Sugar Factory Pvt. Ltd., Bareilly, Dist. Bareilly ...	7.75
27	The Kesar Sugar Works Ltd., Baheri, Dist. Bareilly ...	7.80
28	Rosa Sugar Works of Carew & Co., Ltd., Rosa, Dist. Shahjhanpur ...	7.43

1	2	3
29	L. H. Sugar Factories and Oil Mills, Pvt. Ltd., Pilibhit, Dist. Pilibhit ...	7.58
30	The Kisan Co-operative Sugar Factory Ltd., Majhola, Dist. Pilibhit ...	7.64
31	L. H. Sugar Factories and Oil Mills Pvt. Ltd., Kashipur, Dist. Nainital ...	7.69
32	The Bazpur Co-operative Sugar Factory Ltd., Bazpur Dist. Nainital ...	7.75
33	Neoli Sugar Factory, Manpunagaria, P.O. Neoli. Dist. Etah ...	7.63
34	The Oudh Sugar Mills Ltd., Hargaon, Dist. Sitapur ...	7.64
35	The Lakshamiji Sugar Mills Pvt. Ltd., Maholi, Dist. Sitapur ...	7.64
36	The Seksaria Biswan Sugar Factory Pvt. Ltd. Biswan, Dist. Sitapur ...	7.80
37	The Hindustan Sugar Mills Ltd. Golagokarannath, Dist. Kheri ...	7.64
38	The Govind Sugar Mills Ltd., P.O. Aira Estate, Dist. Kheri ...	7.99
39	The Lakshmi Sugar and Oil Mills Ltd., Hardoi, Dist. Hardoi ...	7.61
40	The United Provinces Sugar Co., Ltd. Seorahi P.O. Dist. Deoria ...	7.69
41	Shree Sitaram Sugar Co. Ltd., Baitalpur P.O., Dist. Deorai ...	7.87
42	Cawnpore Sugar Works Ltd., Gauri Factory Branch P.O. Gauribazar, Dist. Deoria ...	7.53
43	Deoria Sugar Mills Ltd., Deoria, Dist. Deoria ...	7.58
44	The Shankar Sugar Mills Ltd., Captainganj, Dist. Deoria ...	7.64
45	The Vishnu Pratap Sugar Works (P) Ltd., P.O. Rajabazar Khenda, Deoria ...	7.58
46	Lakshmi Devi Sugar Mills Pvt. Ltd., Chitauni, Dist. Deoria ...	7.75
47	The Ishwari Khetan Sugar Mills Ltd, Lakshmiganj, Dist. Deoria ...	7.58
48	The Ramkola Sugar Mills Co. Ltd., Ramkola, Dist. Deoria ...	7.80
49	The Maheshwari Khethan Sugar Mills Pvt. Ltd., P.O. Ramkola, Dist. Deoria ...	7.87
50	Cawnpore Sugar Works Ltd, Padrauna Factory Branch, P.O. Padrauna, Dist. Deoria ...	7.58

1	2	3
51	Cawnpore Sugar Works Ltd., Kathkuiyan Factory Branch. P.O. Kathkuiyan Dist Deoria ...	7.75
52	ThePurtabpore Co. Ltd., P.O. Mairwa, Dist. Deoria ...	7.64
53	Kamlapat Motilal, Bhatni (Sugar Mills) Branch, P.O. Bhatni, Dist. Deoria ...	7.48
54	Saraya Sugar Mills Private Ltd., Sardarnagar Dist. Gorakpur ...	7.58
55	Diamond Sugar Mills Ltd., Pipraich, Distt. Gorakhapur	7.42
56	The Punjab Sugar Mills Co., Ltd., Ghughli, Distt. Gorakhpur	7.80
57	Mahabir Sugar Mills Pvt. Ltd., P. O. Siswabazar, Distt. Gorakhpur.	7.64
58	The Ganesh Sugar Mills Co. Ltd., P. O. Anandnagar, Distt. Gorakhpur	7.69
59	Madho Mahesh Sugar Mills Pvt Ltd., P. O. Munderwa Distt. Basti	7.48
60	The Basti Sugar Mills Co. Ltd., P. O. Walterganj. Distt. Basti	7.64
61	The Basti Sugar Mills Co. Ltd., Basti, Distt. Basti.	7.96
62	Shree Anand Sugar Mills Ltd., Khalilabad, Distt. Basti	7.64
63	The Sekser Sugar Mills Pvt. Ltd., P. O. Babhnan. Distt. Gonda	7.69
64	The Nawabganj Sugar Mills Co. Ltd., P. O. Sugar Factory, Nawabganj. Distt. Gonda ...	7.42
65	Balrampur Sugar Co. Ltd., Balrampur Factory Branch Balrampur P. O., Dist. Gonda ...	7.64
66	Tulsipur Sugar Co Ltd., Tulsipur Factory Branch Tulsipur P. O., Distt. Gonda ...	7.75
67	R. B. Lachmandas Sugar and General Mills Pvt. Ltd., P. O., Jarwal Road Distt. Bahraich ...	7.37
68	The Burhwal Sugar Mills Co. Ltd., Burhwal, Dist. Barabanki ...	7.42
69	Ramchand & Sons Sugar Mills Pvt. Ltd., Barabanki Dist. Barabanki ...	7.64
70	The Ratna Sugar Mills Co. Ltd., Shahganj, Dist. Jaunpur ...	7.37
71	Kamlapat Motilal Motinagar (Sugar Mills) Branch P. O., Motinagar, Dist. Faizabad ...	7.53

1	2	3
1	Lohat Sugar Works of the Durbhanga Sugar Co. Ltd., Lohat, P O. Dist. Darbhanga ...	7.64
2	Sakri Sugar Works of the Durbhanga Sugar Co. Ltd., Sakri, P.O. Dist. Darbhanga ...	7.37
3	New India Sugar Mills Ltd, Hassanpur Road, P. O. Hassanpur Sugar Mills, Dist. Darbhanga	7.80
4	Ryam Sugar Co. Ltd., Ryam Factory P.O., Dist. Darbhanga ...	7.37
5	Samastipur Central Sugar Co. Ltd., Samastipur Factory Branch P.O. Samastipur, Dist. Darabbanga ...	7.84
6	Belsund Sugar Co. Ltd., Righa P.O. Dist. Muzaffarpur ...	7.85
7	The Motipur Sugar Factory Pvt. Ltd., Motipur, Dist. Muzaffarpur ...	7.72
8	The Sitalpore Sugar Works Ltd., P.O. Garaul, Dist. Muzaffarpur ...	7.37
9	Shree Hanuman Sugar and Industries Ltd., Motihari. Dist. Champaran ...	7.58
10	Motilal Padampat Sugar Mills Co. Ltd., Majhaulia, Dist. Champaran ...	7.75
11	Champaran Sugar Co. Ltd., Chanpatia Factory Branch, P.O. Chanpatia, Dist. Champaran ...	7.91
12	Shree Krishna Gyanodaya Sugar Ltd., Lauriya P.O., Dist. Champaran ...	7.58
13	North Bihar Sugar Mills Ltd., Bagaha, P.O. Naraipur, Dist. Champaran ...	7.75
14	The New Swadeshi Sugar Mills Ltd., Narkatiaganj, Dist. Champaran ...	7.75
15	Harinagar Sugar Mills Ltd., P.O. Harinagar. Dist. Champaran ...	7.80
16	The Sugauli Sugar Works Pvt. Ltd., P. O. Sugauli, Distt. Champaran	7.42
17	Champaran Sugar Co. Ltd., Barrah Factory Branch, P. O. Barachakia, Distt. Champaran ...	7.64
18	New Savan Sugar Mills, P. O. Siwan, Distt. Saran ...	7.48
19	The Behar Sugar Works Branch of the Industrial Corporation Ltd., Pachrukhi, Distt. Saran. ...	7.48
20	Shree Krishan Gyanoday Sugar Ltd., Hathua, P. O. Mirganj, Distt. Saran ...	7.48

1	2	3
21	Bharath Sugar Mills Ltd., Sidhwalia P. O. Distt. Saran	7.37
22	Cawnpore Sugar Works Ltd., Marhowrah Factory Branch, Marhowrah P. O. Distt. Saran. ...	7.64
23	Sasa Musa Sugar Works Pvt. Ltd., Sasa Musa P. O. Distt., Saran ...	7.64
24	The Vishnu Sugar Mills, Ltd., P. O. Vishnu Sugar Mills, Gopalganj, Distt Saran. ...	7.69
25	Shree Krishna Gyanoday Sugar Ltd., P. O. Siwan Distt. Saran	7.53
26	Gararu Chini Mills, P. O. Gararu Mills, Distt. Gaya.	7.37
27	Mahini Sugar Mills Ltd., P. O. Warisaliganj, Distt. Gaya	7.37
28	South Bihar Sugar Mills Ltd., Bihta, Distt. Patna.	7.37
29	Rohtas Industries Ltd., P. O. Dalmianagar, Distt. Shahabad.	7.37
	WEST BENGAL	
	The Ramnugger Cane & Sugar Co. Ltd., Plassey P. O. Distt. Nadia ...	7.56
	ASSAM	
	The Assam Co-operative Sugar Mills Ltd., P. O. Barua Bamungaon, Sub-Division Golaghat, Distt. Sibsagar. ...	7.37
	ORISSA	
1	Jeypore Sugar Co. Ltd., Rayagada Distt. Koraput,	7.37
2	The Aska Co-operative Sugar Industries Ltd., P. O. Aska, Distt. Ganjam ...	7.37
	RAJASTHAN	
1	The Mewar's Sugar Mills Ltd., Bhupalsagar, Distt. Udaipur	7.64
2	The Ganganagar Sugar Mills Ltd., Sri Ganganagar P. O. Distt. Sri Ganganagar ...	7.37
	MADHYA PRADESH	
1	The Gwalior Sugar Co. Ltd., P. O. Dabra. Distt. Gwalior	7.37
2	The Jaora Sugar Mills Pvt. Ltd., Jaora, Distt. Ratlam	7.37
3	The Jiwali Rao Sugar Co. Ltd., Dalauda. Distt. Mandsaur	7.75
4	The Bhopla Sugar Industries Ltd., Sehore, Distt. Sehore	7.37
	MAHARASHTRA	
1	The Saswad Mali Sugar Factory Ltd., P.O. Malinagar, Distt. Sholapur ...	8.33

1	2	3
2	The Brihan Maharasht a Sugar Syndicate Ltd, P. O. Shreepur, Dist. Sholapur ...	8.23
3	Yeshwant Sahakari Sakhar Karkhana Ltd, P. O. Akluj, Dist. Sholapur. ...	8.23
4	The Ravalgaon Sugar Farm Ltd,, P. O. Ravalgaon, Dist. Nasik ...	8.28
5	Girna Sahakari Sakhary Karkhana Ltd., P. O. Dabhadi. Tal. Malegaon, Dist Nasik ...	8 33
6	Niphad Sahakari Sakhar Karkhana Ltd., P. O. Bhausaheb Nagar, Dist. Nasik ...	8.39
7	The Godavari Sugar Mills Ltd., P. O. Sakarwadi, Dist. Ahmednagar ...	8.12
8	The Godavari Sugar Mills Ltd, P. O. Lakshmiwadi, Dist. Ahmednagar ...	8.23
9	Sreeh Changdeo Sugar Mills Ltd., P. O. Changdeo Nagar, Dist Ahmednagar ...	8.28
10	The Maharashtra Sugar Mills Ltd, P. O. Tilaknagar, Dist. Ahmednagar ...	8 50
11	The Kopargaon Sahakari Sakhar Karkhana Ltd., P. O. Kolpewadi, Dist. Ahmednagar ...	8 39
12	The Belapur Co Ltd, P. O. Harigaon Dist. Ahmednagar	8 33
13	The Pravara Sahakari Sakhar Karkhana Ltd., P O. Pravaranagar, Dist. Ahmednagar ...	8.23
14	Ashok Sahakari Sakhar Karkhana Ltd., Ashoknagar, P. O. Srirampur, Dist. Ahmednagar ...	8.55
15	Ganesh Sahakari Sakhar Karkhana Ltd., Ganeshnagar, P. O. Benjargaon Khurd, Dist Ahmednagar ...	8.38
16	The Sanjivani (Taki) Sahakari Sakhar Karkhana Ltd., P. O. Kopargaon, Dist Ahmednagar ...	8.39
17	The Rahuri Sahakari Sakhar Karkhana Ltd., Shrishivajinagar, P.O. Rahuri Factory Branch, Dist. Ahmednagar ...	8.44
18	The Sarigonda Sahakari Sakhar Karkhana Ltd., Shrigonda, Post Belvadi, Distt. Ahmednagar ...	7.37
19	The Bhogawati Sahakari Sakhar Karkhana Ltd., P.O. Shaunagar, Distt. Kolhapur ...	8.71
20	The Kolhapur Sugar Mills Ltd., Kasaba Bavada, P.O. Kolhapur, Distt. Kolhapur	9 03
21	Shree Panchganga Sahakari Sakhar Karkhana Ltd., P.O. Ichalkaranji, Distt. Kolhapur	8.99
22	Shree Warana Sahakar Sakaar Karkhana Ltd., P. O. Wanarnagar, Distt. Kolhapur	9.35
23	Kumbhi-Kesari Sahekari Sakhar Karkhana Ltd., P.O. Koparde, Distt. Kolhapur	8.71

1	2	3
24	Dudhganga-Vedganga Sahakari Sakhar Karkhana Ltd., Bidri, P.O. Mouninagar, Distt. Kolhapur ...	8.62
25	Walchandnagar Industries Ltd. P. O. Walchandnagar, Distt. Poona	8.07
26	Shri Chhatrapati Shivaji Sahakari Sakhar Karkhana Ltd,. P.O. Bhawaninagar, Distt. Poona ..	8.23
27	The Malegaon Sahakari Sakhar Karkhana Ltd , P. O. Malegaon B. K. Distt Poona	8.32
28	Shree Someshwar Sahakari Sakhar Karkhana Ltd., P.O. Nira, Distt. Popna	8.87
29	Ganga pur Sugar Mills Ltd., P. O. Raghunathnagar, Distt. Aurangabad	8.28
30	Krishna Sahakari Sakhar Karkhana Ltd., Rethare Budruk P. O. Shivnagar. Distt, Satara ...	9.07
31	Shriram Sahakari Sakhar Karkhana Ltd , P.O. Phaltan, Distt. Satara	8.44
32	The Phaltan Sugar Works Ltd., P. O. Sakharwadi, Distt. Satara	8.82
33	Shetkari Sahakari Sakhar Karkhana Ltd., P. O. Sangli, Distt. Sangli	8.66
	GUJARAT	
1	Shri Khedut Sahakari Khand Udyog Mandli Ltd., P.O. Sardar Bag, Bardoli, Distt. Surat ...	7.69
2	The Sahakari Khand Udyog Manfal Ltd., Gandevi, via. Bilimora, Distt. Bulsar	7.37
3	Shree Bileswar Khand Udyog Khedut Sahakari Mandali Ltd., Kodinar, Distt. Amreli	8.44
	ANDHRA PRADESH	
1	The Kirlampudi Sugar Mills Ltd., Pithapuram, Distt. East Godavari	7.37
2	Sri Sarvaraya Sugars Ltd. Chelluru. via. Ramachandrapuram, Distt. East Godavari	7.37
3	The Deccan Sugar & Abkhari Co. Ltd., P. O. Samalkot, Distt. East Godavari	7.48
4	The Andhra Sugars Ltd., Tanuku, Distt. West Godavari	7.58
5	The Palakol Ccoperative Agricultural & Industrial Society Ltd., Palakol, Distt. West Godavari ...	7.37
6	V. V. S. Sugars (The Jeypore Sugar Co. Ltd.,) P.O. Chagallu, Distt. West odavari ...	7.53
7	Sivakami Sugars Ltd., Tanuku, Distt. West Godavari...	7.37

1	2	3
8	The Coodavaram Co-operative Agricultural & Industrial Society Ltd., (Sugar Manufacturers), Chodavaram, Distt Visakhapatnam	7.37
9	Anakapalle Co-operative Agricultural & Industrial Society Ltd., Anakapalle P ., Distt. Visakhapatnam	7.37
10	The Etikoppaka Co-operative Agricultural and Industrial Society Ltd., P. O. Etikoppaka, Distt. Visakhapatnam	7.37
11	The Thandava Co-operative Agricultural & Industrial Society Ltd., P. O. Payakaraopeta, Distt. Visakhapatnam	7.37
12	Sri Rama Sugars & Industries Ltd., Seethanagaram, Distt. Srikakulam	7.37
13	Sri Rama Sugars & Industries Ltd., Bobbili, Distt. Srikakulam	7.37
14	Amadalavalasa Co-operative Agricultural & Industrial Society Ltd., Amadalavlasa P. O. Distt. Srikakulam...	7.75
15	The K. C P. Limited, Vuyyuru, Distt. Krishna ...	7.37
16	Challapalli Sugars Ltd., P. O. Challapalli Distt. Krishna	7.37
17	The Nizam Sugar Factory Ltd., Shakarnagar, Distt. Nizamabad	7.37
18	The Nizamabad Co-operative Sugar Factory Ltd., Nizamabad, Distt. Nizamabad ...	7.37
19	The Chittoor Co-operative Sugars Ltd., Chittoor, Distt. Chittoor	7.37
	MADRAS	
1	The Deccan Sugar & Abkhari Co. Ltd., P. O. Pugalur Sugar Factory. Distt. Tiruchirapalli ..	7.37
2	Cauvery Sugars & Chemicals Ltd. Cauvery Factory, Pettavaythal-i, Distt. Tiruchirpalli ...	7.37
3	Pothari Sugars & Chemicals Ltd., Kattur, Railway Station Lalgudi, Distt. Tiruchirapalli ...	7.37
4	E.I.D. Parry Ltd., Nelikuppam P. O., Distt. South Arcot	7.37
5	The South India Steel and Sugars Ltd., Mundiyampakkam, Villupuram Taluk, Distt. South Arcot ...	7.37
6	Aruna Sugars Ltd, Pennadam, Distt. South Arcot ...	7.37
7	Kallakurichi Co-operative Sugar Mills Ltd., P. O, Mogilthuripattu, Kallakurichi Taluk, Distt. South Arcot	7.42

1	2	3
8	The Madura Sugars & Allied Products Ltd., Pandiarajapuram P. O., Distt. Madurai ...	7.48
9	The National Co-operative Sugar Mills Ltd., A-2731, Alanganallur Post, Distt. Madurai ...	7 37
10	The Thiru Arooran Sugars Ltd., P. O. Vadarat imangalam, Distt. Tanjore	7.37
11	Amaravathi Co operative Sugar Mills Ltd., A. K. Puthur P. O. Via Kanivur, Distt. Coimbatore ...	7.37
12	The Sakthi Sugars Limited, P. O. Appakudal, Distt. Coimbatore	7 37
13	North Arcot Distt. Co-operative Sugar Mills Ltd., Vadapudupet, Ambur P. O. Distt. North Arcot. ...	7 63
14	The Madurantakam Co-operative Sugar Mills Ltd., Padalam, Distt, Chingleput ...	7.48
15	The Salem Co-operative Sugar Mills Ltd., Mohanur, *Via* Karur (Mamakhal Taluk), Distt. Salem ...	7.48

MYSORE

1	Pandavapura Sahakare Sakkare Karkhane Ltd., Pandavapura. Distt. Mandya ...	8.28
2	The India Sugars & Refineries Ltd., Hospet, Distt. Bellary	7 85
3	The Bellary Central Co-operative Stores, Sugar Factory, Kampli P. O. Distt. Bellary. ...	8.01
4	The Salar Jung Sugar Mills Ltd., Munirabad, Distt. Raichur	7.53
5	The Ugar Sugar Works Ltd., P. O. Ugar Khurd, Distt. Belgaum	8.71
6	Shri Hiranyakeshi Sahakari Sakkare Karkhane Niyamit, Sankeshwar, Distt. Belgaum ...	8.98
7	Tungbhadra Sugar Works (Private) Ltd., Shimoga, Distt. Shimoga	8.17
8	Gauribidanur Sahakara Sakkare Karkhane Ltd., Gauribidanur, Distt. Kolar	7.37

KERALA

	The Travancore Sugars & Chemicals Ltd., Pamba River Factory, Thuvala P. O., Distt. Quilon ...	7.37

1	2	3
2	The Mannam Sugar Mills Co-operative Ltd., No. 4324, Pandalam P. O., Distt. Alleppey ...	7.37
3	The Co-operative Sugars Ltd., Chittur, P. O. Menonpara, Distt. Palghat	7.37
	PONDICHERRY	
	New Horizon Sugar Mills Co. Ltd., Saorur (Ariour), Pondicherry	7.37

[No. 14-5/66-Sugar.]

K. L. PASRICHA, Jt. Secy.

NOTIFICATION.

Department of Law and Parliamentary Affairs

(Law Department)

No. LAW 5 LCR 67. Bangalore, dated 17-18th November 1967.

Ordered that the Collection of Statistics (Central) Amendment Rules, 1967, published in S. O. No. 2667 dated 1st Augusts 1967, which has been published in the *Gazette of India*, Extraordinary Part II, Section 3, sub-section (ii), dated the 12th August 1967 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. Ananthasubba Rao,
Under Secy. to Govt., D L. & P. A.

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GOVERNMENT OF INDIA.

CABINET SECRETARIAT

(Department of Statistics)

New Delhi, the 1st August 1967.

S. O. 2667.—In exercise of the powers conferred by section 14 the Collection of Statistics Act 1953 (32 of 1953), the Central Government hereby makes the following rules, further to amend the Collection of Statistics (Central) Rules, 1959, the same having bee previously published as required by sub-section(1) of the said section, namely :—

1. These rules may be called the Collection of Statistics (Central) Amendment Rules, 1967.

2. In rules 2 of the Collection of Statistics (Central) Rules, 1959, in clause (5), for sub-clause (b) the following sub-clause shall be substituted, namely :—

"(b) In any other case, the accounting year of the factory ending on any date between 1st of April of the year in respect of which the statistics are being collected and the 31st of March of the succeeding year."

[No. 16/6/67-Estt. II.]

S. P JAIN, Dy. Secy.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 13th November, 1967.

ORDER

No. MY-LA/139/67 (1).—WHEREAS the Election Commission is satisfied that Shri Subbaya Rai, Bommarabettu Beedu, P. O. Hiriadka, South Kanara, a contesting candidate for election to the Mysore Legislative Assembly from 139-Udipi constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

AND WHEREAS the said candidate, even after due notice, has not given any reason or explanation for the failure ;

NOW, THEREFORE, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri Subbaya Rai to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 13th November, 1967.

ORDER

No. MY-LA/139/67 (2).—WHEREAS the Election Commission is satisfied that Shri K. Lakshminarayana Bhat, Bhayyavani Office, Padupete, Udipi, South Kanara, a contesting candidate for election to the Mysore Legislative Assembly from 139-Udipi constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate, even after due notice, has not given any reason or explanation for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Lakshminarayana Bhat to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

169 K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 13th November, 1967.

ORDER

No. MY-LA/139/67 (3).—WHEREAS the Election Commission is satisfied that Shri P. Sadashiva Bhat, Retired Assistant Director of Veterinary Services, Bhat's Veterinary Clinic, Udipi, South Kanara, a contesting candidate for election to the Mysore Legislative Assembly from 139-Udipi constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder ;

AND WHEREAS, the said candidate, even after due notice, has not given any reason or explanation for the failure ;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri P. Sadashiva Bhat to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

NOTIFICATION.

Department of Law and Parliamentary Affairs

No. LAW 160 LCR 67, Bangalore, dated 17—18th November 1967.

Ordered that the Income-Tax (Determination of Export Profits) (No. 2) Rules, 1967 published in S. O. No. 3408, dated 18th September 1967, which has been published in the *Gazette of India, Extraordinary* Part-II Section 3, sub-section (ii), dated the 19th September 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. Ananthasubba Rao,
Under Secretary to Government,
Department of Law and
157 *Parliamentary Affairs.*

GOVERNMENT OF INDIA

CENTRAL BOARD OF DIRECT TAXES

NOTIFICATION

Income-Tax

New Delhi, the 18th September 1967.

S.O. 3408.—In exercise of the powers conferred by clause (d) of sub section (4) of section 2 of the Finance (No. 2) Act, 1967 (20 of 1967), and in supersession of the Income-tax (Determination of Export Profits) Rules, 1967 published with the Notification of the Government of India in the Ministry of Finance, Central Board of Direct Taxes, No. S. O. 2382 dated the 15th July, 1967 in the *Gazette of India*, Extraordinary Part II—Section 3 (ii) dated the 15th July, 1967, Central Board of Direct Taxes hereby makes the following rules, namely :—

1. **Short title and commencement.**—(1) These Rules may be called the Income-tax (Determination of Export Profits) (No 2) Rules, 1967.

(2) These rules shall be deemed to have come into force on the 1st day of April, 1967.

2. **Computation of qualifying income.**—(1) Where the total income of an assessee referred to in sub-clause (i) of clause (a) of sub-section (4) of section 2 of the Finance (No. 2) Act, 1967 (20 of 1967) includes any profits and gains derived from the export, made before the 6th day of June, 1966, of any goods or merchandise out of India, the amount of such profits and gains in respect of which deduction of income-tax is admissible under the said sub-clause (such profits and gains being hereafter referred to as the qualifying income) shall be computed in accordance with the provisions of sub-rule (2) or sub-rule (3) or sub-rule (4), as the case may be.

(2) Where in the opinion of the Income-tax Officer it is possible to ascertain the profits and gains on such exports, the qualifying income shall be taken to be the amount by which the profits and gains so ascertained in accordance with the provisions of the Income-tax Act, 1961 (43 of 1961), (hereinafter referred to as the Act) and included in the total income exceed the aggregate of the amount of any portion thereof on which income-tax is not payable and the amount in respect of which a deduction of income-tax has been granted under any of the provisions of the Act.

(3) Where in the opinion of the income-tax Officer it is not possible to ascertain the profits and gains on such exports, the qualifying income shall be taken to be amount which bears to the profits and gains of the whole business of which such exports form a part and included in the total income (as reduced by the aggregate of the amount of any portion thereof on which income-tax is not payable and the amount in respect of which a deduction of income-tax has been granted under any of the provisions of the Act), the same proportion as the value of the turnover in respect of such exports bears to the turnover of the business of which such exports form a part.

(4) Where in the opinion of the income-tax Officer a computation of such profits and gains in the manner specified in sub-rule (3) presents exceptional difficulties, the qualifying income shall be taken to be the amount by which such profits and gains as ascertained by the Income-tax Officer on any other resonable basis on the date available and included in the total income exceed the aggregate of the amount of any portion thereof on which income-tax is not payable and the amount in respect of which a deduction of income-tax has been granted under any of the provisions of the Act.

[No. 103/F No.3(17)/67-TPL.]

HARIHAR LAL, Secy.

NOTIFICATION.

Department of Law and Parliamentary Affairs

No. LAW 155 LOR 67, Bangalore dated 17-18th November 1967.

Ordered that the accompanying Notification No. S. O. 3593, dated 3rd October 1967 specifying the orders mentioned in column (3) of the Schedule made by the State Government mentioned in the corresponding entry in column (2) thereof under section 3 of the Essential Commodities Act, 1955 (10 of 1955) to be special orders for purposes of summary trial under the said section 12A, which has been published in the *Gazette of India* Extraordinary Part II, Section 3, sub-section (ii), dated the 3rd October 1967 be republished in the *Mysore Geette* for general in formation.

By Order and in the name of the Governor of Mysore,

H. K. Ananthasubba Rao,
Under Secy. to Govt., Dept. of
156 *Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA

MINISTRY OF COMMERCE

NOTIFICATION.

New Delhi, the 3rd October 1967.

S. O. 3593.—In pursuance of section 12A of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby specifies the Orders mentioned in column (3) of the Schedule, hereto annexed, made by the State Government mentioned in the corresponding entry in column (2) thereof, under section 3 of the said Act, to be special orders for purposes of summary trial under the said section 12A.

SCHEDULE

Orders made by the State Governments.

S. No. (1)	Name of the State Government (2)	Title of the Order (3)
1	Maharashtra	The Maharashatra Kersosene Dealers' Licensing Order, 1966.
2	Mysore	The Mysore Essential Commodities [(other than Foodstuffs) (Maintenance of Accounts, Display of Prices and Stocks) (Order, 1967.
3.	Mysore	The Mysore Cotton Textiles (Maintenance of Accounts and Control) Order, 1967.

[No. 26 (57)CS. II/66]

K. B. LALL, Secy.

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS

No. LAW 161 LCR 67, Bangalore, dated 17—18th November 1967.

Ordered that the International Copyright (Second (Amendment) Order, 1967 published in S. O. No. 3409, dated 18th Septmber 1967, which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (ii), dated the 20th September 1967, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secy. to Govt., Department of
159 *Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA.

MINISTRY OF EDUCATION.

Copyright (ORDER.)

New Delhi, the 18th September **1967.**

S. O. 3409.—In exercise of the powers conferred by section 40 of the Copyright Act, 1957 (14 of 1957), the Central Government hereby makes the following Order further to amend the International Copyright Order, 1958, namely:—

1. This Order may be called the International Copyright (Second Amendment) Order, 1967.

2. In the International Copyright Order, 1958, in Part II of the Schedule, after the entry "Monaco" of the entry "Netherlands" shall be inserted.

[No. F 3 (1)/67-C.O.]

A. M. D'ROZARIO, Jt. Secy.

ELECTION COMMISSION, INDIA.

NEW DELHI,

Dated the 18th November, 1967.

NOTIFICATION

No. 82/MY/2/67 .—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 4th, 7th and 8th August, 1967, by the High Court of Mysore at Bangalore in Election Petition No. 2 of 1967.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the Friday 4th, Monday 7th and Tuesday 8th days of August 1967.

Before

THE HON'BLE MR. JUSTICE A. NARAYAN PAI.

Election Petition No. 2 of 1967.

1. Khaje Khanavar Khaderkhan Hushenkhan, aged 30 years, Book Seller, residing at Shiggaon, District Dharwar, Mysore State.
2. Joshi Gangadhar Vasudev, aged 30 years, Chemist and Druggist, residing at Shiggaon, District Dharwar, Mysore State. .... *Petitioners.*

By Sri B. S. Patil, Sri F. B. S. Patil and Srimathi S. Premila.

Vs.

1. Siddavanahalli Nijalingappa, aged about 65 years, Chief Minister, Government of Mysore, residing at Bangalore (Vidhana soudha), Mysore State.

2. H. S. Hosamani, aged about 50 years, Returning Officer and Assistant Commissioner, Savanur Division, Savanur, District Dharwar, Mysore State. .... *Respondents.*

Respondent No. 1 By Sri G. R. Ethirajulu Naidu and Sri V. S. Malimath.

Respondent No. 2 By Sri E. S. Venkataramaiah, High Court special Government Pleader.

Election petition filed by the petitioners under Section 81 of the Representation of the People Act, 1951 challenging the election of the Respondent No. 1 to the Mysore Legislative Assembly from Shiggaon Constituency in the General Elections held in February 1967 and seeking an order that election of the first Respondent is declared void and that the Petitioner No. 1 has instead been duly elected and that all incidental reliefs inclusive of costs of this petitioner may be granted.

This Election Petition coming on for trial on Tuesday 4th, Wednesday 5th, Thursday 6th, Friday 7th, Monday 10th, Tuesday 11th, Wednesday 12th, Thursday 13th, Friday 14th, Monday 17th Tuesday 18th, Wednesday 19th, Thursday 20th, Monday 24th, Tuesday 25th, Wednesday 26th, Thursday 27th, Friday 28th, Monday 31st days of July 1967, Tuesday 1st, Wednesday 2nd, Thursday 3rd, Friday 4th, Monday 7th, and 8th days of August 1967, in the presence of Sri B S. Patil and F. B. S. Patil and Srimati S. Premila (fees vakalat on 28th July 1967) Advocate for the petitioners and Sri G. R. Ethirajulu Naidu and Sri V. S. Malimath, Advocates for the 1st Respondent and Sri E. S. Venkataramiah, High Court Special Government Pleader for Respondent No. 2 the Court made the following order these Friday 4th, Monday 7th, Tuesday 8th, days of August 1967.

ORDER

Narayana Pai J :

At the General Elections of this year 1967, Mr. Siddavanahalli Nijalingappa who was at that time and still continues to be the Chif Minister of Mysore was returned unopposed to the Mysore Legislative Assembly from the Shiggaon Constituency of Dharwar District.

2. At the said election Khajekbanavar Khadarkhan Hussain Khan, the first Petitioner in this petition, was one of the candidates who had presented nomination. The second petitioner Gangadhar Vasudev Joshi is an elector in that constituency and a friend of the first petitioner. In the petition filed by them they pray that the election of Mr. Nijalingappa as aforesaid be declared void and that the first petitioner be declared duly elected.

3. Mr. Nijalingappa is impleaded as the first respondent.

4. The essence of the case as stated in the petition.—which I shall summarise presently and to the details of which I shall refer whenever necessary in appropriate context, is that the first respondent had not filed or caused to be filed any nomination paper at all or that nomination paper if any filed on his behalf suffered from fatal infirmities and that the withdrawal of the candidature said to have been made by the first petitioner had not in fact been made but that it has been made to appear so by the first respondent resorting to corrupt practices of bribery and undue influence through the instrumentality or agency of one Patil Puttappa. It is further alleged that in the said commission of corrupt practice which according to the petitioner was in the nature of a carefully calculated manoeuvre or manipulation, the Returning Officer of the constituency had also participated or rendered some assistance. He has therefore been impleaded as the second respondent in the petitioner. With particular refrence to him there is the further case that the first respondent had procured or obtained from

him, who is a person in the employment of the State Government, assistance in such a way as to amount to a corrupt practice under sub-section (7) of section 123 of the Representation of the People Act.

5. There were at the same election seven other candidates, namely, (1) Basvantrao Bullappa Mamle Desai (2) Ramachandra Chikko Patil (3) Mallasarjangouda Gurupadgouda Patil (4) Gadigeppagouda Chanbesangouda Patil (5) Amanullakhan Shaik Mohamed Khan Pathan, (6) Ayubkhan Mohamed Akbarkhan Pathan and (7) Abdulrashid Khandekar Ghouse Bannut. The withdrawal of candidature by these seven candidates is not called in question. In fact the petition relies upon that fact taken along with the alleged absence of the nomination of the first respondent as the ground for the second prayer namely, declaration that the first petitioner has been duly elected.

6. The petition opens with the statement that the first petitioner and the seven other candidates mentioned in the last preceding para were the only candidates and that upon the withdrawal of the other seven, the first petitioner became entitled to be forthwith declared elected.

7. The next important allegation in the petitions is that the second respondent Hanumanthappa Shivappa Hosamani is a trusted favourite of the first respondent, that there has been a special bond of interest between the two respondents extending over a long period commencing even some time before the bye-election held in Bagalkot Constituency in 1962, and that the first respondent had taken special care to see that the second respondent is posted as the Assistant Commissioner of the Revenue Sub-Division, Savanur, at what is described in the petition as 'the portentious juncture of the election time'. The suggestion made in the petition is that even in the course of the bye-election in Bagalkot in the year 1962, when also the first respondent was returned unopposed, the second respondent had rendered him special assistance by so

shaping things as to bring about an uncontested election of the first Respondent. It is further stated that after he was defeated at the polls from the Hosadurga Constituency during the General Election of 1962, the first respondent had taken fright for elections and that during the present elections he had been casting about to find out the best and the most convenient constituency from which he can manage to return unopposed.

8. It is against these statements or against the background of these allegations that the further allegations are made to the effect that as a matter of fact the first respondent's nomination was not at all filed in the Shiggaon Constituency either within the date or the time prescribed or allowed therefor by law, that the list or validly nominated candidates or even the notice of nominations did not contain the name of the first respondent, and that even at the time of the scrutiny of nomination papers neither the filing of the 1st respondent's paper nor its acceptance figured at all. Partly by way of probabilising the said statement of fact and partly by way of additional support to his main case, it is further alleged in the petition that the nomination paper if any filed for the first respondent suffered from certain fatal infirmities. One of them is alleged non-payment of the deposit as required under section 34 of the Representation of the People Act The first respondent is an elector not in Shiggaon Constituency but in the Chitradurga Constituency. It was therefore necessary to produce before the Returning Officer a certified extract or a certified copy of the portion of the electoral roll of the Chitradurga Constituency in which the name of the first respondent appears. The petition states that no such extract or copy was produced before the Returning Officer. Under Article 173 of the Constitution as amended by the Sixteenth Constitutional Amendment, it is necessary for a candidate at the election to subscribe to an oath or affirmation in the form (VII A) set out in the Third Schedule to the Constitution. The petition alleges that the provisions of the Article cannot be said to have

been properly complied with unless the affirmation or the oath required by it is made before or at any rate simultaneously with the presentation of the nomination paper and that there has not been such compliance with the Article in the case of the nomination paper if any filed on behalf of the first respondent in the Shiggaon Constituency.

9. For all these reasons, whether taken singly or cumulatively, the petition claims that the nomination of the 1st respondent must be taken to have been manoeuvred or manipulated and ushered in and that the declaration of the uncontested return of the first respondent is a mere concoction entirely unrelated to facts.

10. In addition, the petition charges the first respondent with the corrupt practices of bribery as defined by sub-section (1), undue influence as defined by sub-section (2) and the procuring of the assistance of Government servants as defined in sub-section (7) of section 123 of the Representation of the People Act.

11. Although the petition sets out the details in fairly lengthy paragraphs the substance of the allegation is the following.

12. On 20th January 1967 which was the day immdiately proceeding the date fixed for scrutiny of nomination papers, Patil Puttappa mentioned above and a son-in law of the first respondent called Mahalinga Setty are said to have caught hold of two other persons called Hotti Peerasabnavar Bhudusab Chamansab and Nadaf Mahamed Jaffar Sab and attempted to induce the first petitioner to withdraw his candidature by offering him or promising to secure for him a licence for his huller, to get him better patronage for his book selling business and to see generally that the first petitioner is helped, aided and supported for his material prosperity. It is further stated that Patil Puttappa requested the 1st petitioner to go with him and Mahalingashetty for further discussion, that when the 1st

petitioner insisted upon the second petitioner also accompanying him, Patil Puttappa offered no objection, that thereupon both petitioners were taken in a car to the house of one Hanumanthgouda Patil, and there, after they had spurned further attempts at inducement, they were subjected to threats as a consequence of which the 1st petitioner ultimately affixed his signature to a blank printed form. Even thereafter, the petitioners were denied opportunity of free movement and kept under virtual surveillance until the early hours of the morning of 22nd January.

13. In relation to the alleged corrupt practice under sub-section (7) of section 123, the general statement of particulars is that the particulars are same as those already set out in sub-paragraphs (a) to (h) of Para III of the Pitition.

14. On their release from the house of Hanumanthagouda on the morning of 22nd January, the petition states, the petitioners went to Hubli and after consulting a lawyer, Mr. S. S. Shetter, the first petitioner despatched a telegram to the Returning Officer, 2nd respondent, setting out the true facts. On the night of 22nd January the first petitioner is also stated to have informed the District Election Officer at Dharwar of the true facts and also made a speech at an election meeting held at Hubli. On the 23rd, the first petitioner after further legal consultation is also said to have despatched another telegram to the Returning Officer reiterating the stand or the position taken up by him in the first telegram.

15. Then follow the two prayers to which I have already made reference.

16. The first respondent has filed a detailed written statement. His defence is generally one of complete denial of every one of the allegations made in the petition. He expressly denies the alleged special bond of interest between him and the second respondent, and states that he cannot be described as this trusted favourite. He

denies that either Patil Puttappa or Mahalinga Setty or Chaman Sab or Mohamed Jaffar was in any sense an agent of his at or for the election, and further states that he had neither accorded previous consent to or subsequently ratified any of the acts attributed to any one of them in the petition. Now most of the facts alleged in the petition are according to the written statement of the first respondent, not within his personal knowledge. He therefore states in several places in his written statement that he has ascertained that the said facts are not true. For the present purpose, it is sufficient for us to note that either on his own knowledge or upon information so ascertained by him, the first respondent totally denies every one of the allegations made against him.

17. The written statement of the first respondent also states or sets out what may be regarded as his positive case. He states that he had authorised his proposer Hanumanthagouda A. Patil to make the necessary deposit under section 34 and to present his nomination paper to the Returning Officer and that he learns that Hanumanthagouda did so make the deposit and present the nomination paper within time on the 20th January 1967. On the following day 21st January 1967 the date fixed for scrutiny, the first respondent states that he reached the office of the Returning Officer at Shiggaon at about 2-30 P. M. and made and subscribed to the affirmation in the prescribed form before the Returning Officer. Thereafter, according to the written statement, the second respondent Returning Officer scrutinised all the papers and as there was no objection raised by anybody to any of the papers all the papers were accepted. Thereafter according to the first respondent, all the eight candidates other than himself and including the first petitioner delivered to the Returning Officer the notices of withdrawal. First Respondent avers that the Returning Officer after satisfying himself about the genuineness of such notices of withdrawal and the identity of the first petitioner who delivered his, accepted the same. As he, the first respondent, remained as the only candidate in the field, his friends including G. C. Patil congratulated him.

18. From what is stated above, it is clear that the case of the first respondent is that a valid nomination paper satisfying all the conditions necessary for its validity had been presented on his behalf and that the withdrawal of candidature by the first petitioner was brought about by the first petitioner personally presenting the notice of the withdrawal to the Returning Officer.

19. The second respondent has filed a separate written statement traversing such of the allegations in the petition as are directed against him.

20. While admitting that the first petitioner and the seven other candidates named by him and filed nominations at Shiggaon the second respondent adds that the first respondent had also filed his nomination. He denies that he is a trusted favourite of the first respondent or that there is any sort of intimacy or special bond of interst between him and the first respondent. He refers to his postings to Bagalkot and later to Savanur as postings made in the ordinary course of service in public interst by the State Government. He states positively that the first respondent's proposer H. A. Patil filed the nomination of the first respondent for Shiggaon Constituency on 20th January 1967 well within time, that the relevant extract of the electoral roll containing the name of the first respondent was enclosed with the nomination paper, that the requisite sum had been duly deposited under section 34 of the Representation of the People Act, that the first respondent did solemnly affirm in accordance with the law before him on 21st January 1967 before the scrutiny of his nomination paper for Shiggaon Constituency, and that the nomination paper of the first respondent having been scrutinised along with other nomination papers was accepted without any objection on the part of anybody. He then states that because he was the Returning Officer for not only Shiggaon but also Shirahatti and Kundagol Constituencies, he had notified on the 20th itself a programme for the scrutiny according to which the papers Shirahatti Constituency were to be taken first, those of Kundagol next and lastly the papers of Shiggaon. The

first respondent had also filed nomination paper in Kundagol Constituency. As he was not present at the scrutiny and at the time of the scrutiny it was found that he had not subscribed to the affirmation, the second respondent states that he rejected the nomination paper. When the nomination papers of Shiggaon Constituency were taken up for scrutiny and before the nomination paper of first respondent was taken up for scrutiny, he according to the written statement, appeared and took the necessary oath as prescribed by law. The second respondent further positively avers that the first petitioner presented in person before him his notice of withdrawal of his candidature in the prescribed form duly filled up and signed by him. He admits having received two telegrams purporting to be those from the first petitioner and states that because they were telegrams he did not take any action on them. He adds that the first petitioner having validly withdrawn his candidature, it was no longer open to him to cancel the withdrawal.

21. On these pleadings, the following issues were framed :—

(1) Do the petitioners prove that the nomination paper of the 1st respondent had not been presented at the election in question, or that if one such had in fact been presented, the same was invalid and in-operative in law for any one or more of the following reasons;

(a) That it was not accompanied by relevant portion of the electoral roll in which the name of the 1st respondent appeared ;

(b) that the deposit required by Section 34 of the Representation of the People Act had not been made in time ; and

(c) that oath or affirmation under Article 173 (a) of the Constitution had not been made as required by the Article.

(2) Do the petitioners prove that the 1st petitioner had not in fact withdrawn his nomination paper, or if he had, the same was invalid for any reason ?

(3) (a) Do the petitioners prove that Patil Puttappa, Mahalinga Shetty, Nalaf Mahmed Jafar Saheb and Hotti Peersabnavar Chamansab Ghudusab, referred to in paragraph III (i) of the petition, either offered inducements to the 1st petitioner or subjected him to threats with a view to secure his withdrawal of his nomination in the circumstances set out in sub-paragraphs (i) and (j) of paragraph III of the petition?

(b) Do the Petitioners further prove that the said four persons did so with the consent of the 1st respondent?

(4) Do the facts proved by the petitioners under issue No 3 establish the commission of the corrupt practice of bribery under Sub-section 1 and or undue influence under sub-section 2 of Section 123 of the Representation of the People Act invalidating the election of the 1st respondent?

(5) Do the petitioners prove that in the matter of presentation of the nomination paper of the 1st respondent and in the matter of withdrawal of the nomination of the 1st petitioner, the 1st respondent had secured the assistance of the 2nd respondent in such a way as to amount to corrupt practice under Sub-section 7 of Section 123 of the Representation of the People Act?

(6) Are the petitioners entitled to an order declaring the election of the 1st respondent void?

(7) Are the Petitioners entitled to a declaration that the 1st petitioner had been duly elected?

22. Both the Petitioners have given evidence as P. Ws. 6 and 5 respectively. In addition, they have examined four other witnesses P. W. 1 Hanumanthasa Pawar, P. W. 2 S. S. Shettar, P.W. 3 Chaman Sab Ghudu Sab, and P. W. 4 Mahamed Jaffar.

23. The first respondent has given evidence as R.W. 1. He has also examined Mr. G. C. Patil, Advocate, Hanumantha gouda Avyanagouda Patil and Gurupadappa Basappa Mahalinga Setty as R. Ws. 2, 3 and 4 respectively.

24. Respondent 2 examined himself as R. W. 5.

25. It will be seen from the issues that whereas the first two issues state the central or the principal points in controversy between the parties issues 3, 4 and 5 refer to the allegations of corrupt practice which really form the background of the controversy expressed in the first two issues. The corrupt practices which have been made the subject of issues 3 and 4 are directly related to the claim of the first petitioner as formulated in issue No. 2. The alleged procuration of assistance from the second respondent which is made the subject of issue No. 5 is related according to the allegations in the petition itself to both the acceptance of the nomination of the first respondent which is made the subject of first issue and the withdrawal of candidature by the first petitioner which is made the subject of the second issue. Having regard to this inter-relation between the points of controversy as formulated in the issues, the evidence also is inevitably directed towards or connected with the background facts from which arise all the arguments and contentions related to the first two issues. Hence atleast at the commencement it is not possible to distinguish or keep separate the discussion of the evidence in relation to one issue from discussion of the evidence in relation to other issues. I therefore consider it most convenient in the first instance to give the general features or outline of the case sought to be made by the parties on the basis of the oral evidence tendered and then proceed to discuss the issues at which stage I shall refer to the further details of the evidence in their appropriate contest.

26. The evidence of the first respondent in the real sense of the term, that is to say evidence in relation to relevant facts on which he can speak with personal knowledge, is limited. The details of his positive case as set out in the written statement are spoken to by G. C. Patil and Hanumanthagouda Patil (also referred to as H. A. Patil). In fact the oral evidence of G. C. Patil is practically exhaustive of the positive case of the first respondent relating to the presentation of his nomination paper and withdrawl

of candidature by all but the first respondent on the 21st. H. A. Patil who was the proposer and who presented the nomination paper with necessary accompaniments and deposit has given evidence which completes the picture. Evidence of Mahalinga Setty adds little or nothing to the evidence of G. C. Patil upon matters on which G. C. Patil has spoken. That part of his evidence which has relation to issues other than the first issue need not now be set out.

27. The picture or the sequence of events which can be gathered from the said evidence may be briefly stated as follows:

28. G. C. Patil was the official candidate sponsored by the Indian National Congress (hereinafter referred to as the Congress) at the Shiggaon Constituency B. B. Manle Desai was his substitute candidate also referred to as the dummy candidate. Manle Desai was the first to present his nomination paper on the 17th January. G. C. Patil presented his nomination paper on the 19th January. He states that immediately after presenting his paper he, Manle Desai and one Kalagimath, the Chairman of the Shiggaon Taluk Congress Committee (resident of Bankapur) left for Savanur and went to the house of an Advocate called Mr. S. G. Hiremath. The purpose of the visit was to discuss the details of his election propaganda. One of the questions which he wanted to discuss and settle was the need if any for setting up a separate election office at Savanur which on all hands is the biggest town in the Constituency with the largest concentration of votes. G. C. Patil requested Mr. Hiremath to invite to his place important persons of the place to discuss election matters. One of the persons who came at that invitation was Revanappa Havanagi. In the course of discussion, it is the evidence of G. C. Patil, the said Revanappa Havanagi suggested that it would be best if the first respondent could be requested to stand as a candidate from Shiggaon Constituency G. C. Patil adds that the said suggestion met with general approval of all the persons present and that he,

G. C. Patil, himself said that should a man like the first respondent agree to stand as a candidate from Shiggaon Constituency he would not only withdraw his candidature but also take the leading part in inviting the first respondent to come to Shiggaon as a candidate. The final result of the discussion was that it was decided that G. C. Patil, B. B. Mamle Desai, S. G. Hiremath, Katagimath and Hanumantha gouda Patil of Shiggaon should proceed to Hubli to meet the first respondent and secure his consent to stand as a candidate from Shiggaon. G. C Patil states that Revanappa Havanagi told him that the first respondent was expected to come to the house of his son-in-law Mahalinga Setty at Hubli that night, *i. e*, the night of 19th January. Having come to that conclusion G. C. Patil Mamle Desai, Hiremath and Katagimath came back to Shiggaon to take with them Hanumanthagouda Patil also. On being apprised of the discussions and the proposal, Hanumantha gouda Patil readily agreed to accompany the others to Hubli. All the five of them reached Mahalinga Setty's house at Hubli at about 8 or 8-30 in the night, expecting to meet the first respondent. Mahalinga Setty however told them that the first respondent was expected not that night but only the following morning at about 8 or 8-30. The visitors told him the purpose of their visit and there was some short talk about it. At the desire of one of the visitors, Patil Puttappa was contacted by phone and requested to come to Mahalinga Setty's house. When he came the visitors requested him, as they had already requested Mahalinga Setty, to help them in persuading the first respondent to accept their suggestion and stand as a candidate from Shiggaon Constituency. Both G. C. Patil and Hanumantha gouda state that Patil Puttappa readily agreed to render them assistance so sought of him. Because the first respondent was expected only the next morning, the party dispersed agreeing to reassemble again the next morning.

29. On the following day all the five persons who had come from Shiggaon as stated above as well as Patil Puttappa waited for first respondent in Mahalinga Setty's

house from 8-30 A. M. onwards. He did not turn up til about 9 at which time they thought, particularly G. C. Patil, that the first respondent may not have much time to spare and that therefore they had better prepare the nomination paper and keep it ready for his signature. Accordingly, a blank nomination form said to have been carried by G. C. Patil with him was filled by Patil Puttappa. Hanumantha gouda Patil who was named as the proposer therein signed the same as proposer. At that time G. C. Patil states, he remembered that because the first respondent was an elector not in Shiggaon but in Chitradurga constituency, it would be necessary to have a certified extract of the relevant portion of the Chitradurga roll containing the name of the first respondent. When he mentioned the same, Mahalinga Setty said he had one with him and produced the same.

30. When the party was waiting for the first respondent, having made all the necessary papers ready a telephonic message came to Mahalinga Setty from Doctor Chandrasekhar, another son-in-law of the first respondent, also residing in Hubli. The message was that first respondent having come to Chandrasekhar's place and taken his breakfast there had just left for chitradurga stating that on the way he would be stopping at Haveri for a few minutes to meet one Basavaraj Magavi. When Mahalinga Setty passed on this information to the rest of the people there, all of them at once decided to start for Haveri and contact the first respondent either at Haveri or earlier if possible. To ensure that they would surely meet him, Patil Puttappa is said to have asked either his sub-editor or a clerk at an office of the papers called Vixvani and Prapancha run by him to ring up Basavaraj Magavi and request him to detain the first respondent awaiting the arrival of himself and other friends named above.

31. The party left in two cars. The first ahead of the other was that of Patil Puttappa in which only he and Mahalinga Setty travelled. The car was driven by a driver. All the other people who had come from Shiggaon were

accommodated in another car which followed that of Patil Puttappa.

The 1st respondent deposes that on 18th January 1967, he flew from Bangalore to Belgaum. From that place, he proceeded by car provided by one Mr. Helligeri, Advocate of Bagalkot, to Bagalkot, reached that place late in the evening that day. His purpose in going there was to present his nomination paper for the Bagalkot Constituency to the Returning Officer thereof. He had been selected by the Congress as its official candidate at the said constituency. He was in Bagalkot on the 19th and presented his nomination paper there somewhere between 2 and 3 in the afternoon. The deposit therefor was paid in cash by his Personal Assistant who was accompanying him. The 1st respondent also subscribed to the affirmation under article 173 of the Constitution in connection with his nomination paper. In the evening of 19th he returned to Belgaum and spent the night there.

It is the further evidence of the 1st respondent that although he had been selected by the Congress as its official candidate only in respect of the Bagalkot Constituency, several friends of his had been pressing him to stand as a candidate in different or other constituencies as well. He has also stated that the Central Parliamentary Board of the Congress, which finalises the list of official candidates of the Congress in various constituencies had been told by him of such pressing requests and that they had given him the liberty of filing his nomination papers in constituencies other than Bagalkot also, subject to the condition that ultimately he should select only one constituency for contest. While he was at Belgaum, the Chairman of the Taluk Congress Committee of Kundagol had approached him with a request to file his nomination in Kundagol Constituency also. He states that submitting to that pressing request, he had signed a nomination paper for Kundagol also and handed it over to him (the President of the Kundagol Congress Committee,) asking at the same time his Personal Assistant to pay

him Rs. 250 for making the necessary deposit. It was also been elicited from him that he had similarly affixed his signature in assent to nomination papers intended to be filed or presented in certain other constituencies also, such as Hoovinahadagali, Molakalmuru, Raibhag, etc.

34. On the morning of 20th January 1967, after taking his breakfast, the 1st respondent states, he proceeded to Hubli *enroute* to Chitradurga. At Hubli, as already stated, there reside two sons-in-law of his, Dr. Chandrasekhar and Mahalingashetty. Chandrasekhar is a member on the teaching staff of the Medical College there and is also reading for his M. D. Degree. He stays in the quarters allotted to him by the College in the College Campus itself. Mahalingashetty stays in a locality called Deshpande Nagar. On the 20th when he came to Hubli, the 1st respondent states, he went straight to the house of Dr. Chandrasekhar. He had very little time, according to him, to spare and therefore left the place immediately after taking some breakfast at Chandrasekhar's place. Before he left, he told his son-in-law that he had some work or business with Basavaraja Magavi at Haveri who was the official candidate of the Congress in the Haveri Constituency.

35. Haveri is about 48 miles from Hubli; Shiggaon is about 27 or 28 miles.

36. The 1st respondent states that when he was just about two or three miles before Haveri he was overtaken by two cars, at which he stopped his own car. The two cars, which overtook him, were the cars in which the party who left Mahalingashetty's place was travelling. According to the evidence, it is Patil Puttappa's car which first overtook the 1st respondent's car. When the 1st respondent stopped his car. Puttappa, Mahalingashetty, G. C. Patil and others travelling in the second car got down and went to him and requested him to accept their invitation to stand as a candidate from the Shiggaon Constituency. According

to the evidence of the 1st Respondent as well as other witnesses, he was not in the first instance willing to accept this invitation. But he was prevailed upon by Patil Puttappa, G. C. Patil and Mahalingashetty and others to at least sign his consent on the nomination paper already prepared; he was also told by those friends that he had anyhow time till 23rd January 1967, the last day fixed for withdrawals, to make up his mind. As he had, according to him, very urgent and important work waiting for him at Chitradurga, he declined their request to go back to Shiggaon to present the nomination paper and subscribe to the affirmation. He, however, promised to come back the following day to subscribe to the affirmation. He asked his son-in-law Mahalingashetty to pay a sum of Rs. 250 to Hanumathgouda Patil to make the necessary deposit. Having said so, he proceeded to Chitradurga.

37. Mahalingashetty then paid Rs. 250 into the hands of Hanumanthagouda Patil. Thereafter, both he and Patil Puttappa, according to the evidence of all the witnesses, returned direct to Hubli; G. C. Patil and others went to Shiggaon.

38. At Shiggaon, they went first to the house of Hanumanthgouda Patil for lunch, after finishing which Hanumanthgouda Patil, S. G. Hiremath, Katagimath and probably others also went to the office of the Returning Officer, the 2nd respondent, to present the nomination paper. It is the evidence of Hanumanthgouda Patil corroborated by G. C. Patil that he handed over to the 2nd respondent the nomination paper, a certified extract from the Electoral Roll of Chitradurga in which the name of the 1st respondent appears, as well as Rs. 250.

39. The nomination paper has been marked as Ex. R. 11 and the certified extract from the Chitradurga Electoral Roll Ex. R 12.

40. Having finished their work, G. C. Patil states, Hanumanthgouda Patil went back to his house in Shiggaon, and himself and Hiremath went to Savanur wherefrom he

went straight to his native village Bad and spent the night there.

41. The next morning, *i. e.*, 21st January 1967, G. C. Patil states, he went to the office of Returning officer at about 10-30 A.M. By about 11 O clock people started collecting, including the candidates of Kundagol, Shirhatti and Shiggaon. Mahalingashetty deposes that he went there at about 11 O'Clock. It is his evidence that Patil Puttappa also went there. G. C. Patil states in his evidence that when they had met the 1st respondent before Haveri on the previous day, they had requested Patil Puttappa and Mahalingashetty to come to Shiggaon the following day because the 1st respondent was also expected. From Savanur, Revanappa Havangi had also come.

42. G. C. Patil states that Revanappa Havangi told him that the three candidates from Savanur, *viz.*, Ayubkhan Patan, Amanulla Khan Patan and Abdul Rashid, as well as R. C. Patil of Kalakond village, had expressed their willingness to withdraw their candidature in the event of the 1st respondent standing as a candidate from Shiggaon. So far as G. C. Patil and Mamle Desai are concerned, they were already official and dummy candidates of the Congress and were willing to withdraw their nominations in favour of the 1st respondent. There remained M. G. Patil and the 1st petitioner belonging to Shiggaon as candidates. They were, according to the evidence of G. C. Patil, walking about in the compound of the Office, apparently waiting for the scrutiny of their nomination papers. G C. Patil states that he and S. G Hiremath approached both of them and told them that because the 1st respondent was going to stand as a candidate in Shiggaon Constituency, the six of the candidates stated above had already expressed their willingness to withdraw and added that it would be good and graceful if they two, *viz*, M. G Patil and the 1st petitioner agreed to withdraw their candidature. That request, according to G C Patil, was accepted by both of them. Thereon, S. G Hiremath stated that if all the candidates were willing to withdraw their nominations, the best thing for them to

do would be to keep all the withdrawal forms ready and to present them after the arrival of the 1st respondent and in his presence. The said suggestion of S. G. Hiremath was also accepted by all the candidates. Then, he states, the candidates went here and there to fill in their withdrawal forms. So far as he himself is concerned, he sat under a tree filled in his withdrawal form.

43. The time up to 2-30 p. m. was taken by the Returning Officer for the scrutiny of the nomination papers of Shirhatti and Kundagol Constituencies. The evidence of G.C. Patil is that at about 2-30 P.M. they were told that the scrutiny of Shiggaon Constituency nomination papers would be taken up and that the returning Officer had requested all the Shiggaon Constituency candidates to go into his office. Till then the 1st respondent had not come. All the candidates including G. C. Patil went into the office. Mahalingashetty says that he remained in the compound as he had been throughout. Just 3 to 6 minutes thereafter, according to his evidence, the 1st respondent arrived in his car whereupon he (Mahalingashetty) rushed up to his car and told him that the scrutiny of the nominations of Shiggaon Constituency had just been taken up and that therefore he had better go to the office immediately.

44. The reference in the evidence of G. C. Patil to the arrival of the 1st respondent is in the following terms :—

> "At about 2-30 P.M. the scrutiny of the nomination papers of Shiggaon Constituency was taken up. We then, all of us candidates went in; when the Returning Officer was still in the act of perusing the papers, the 1st respondent entered the office".

45. The reference to the same event in the evidence of the 1st respondent is in the following terms :—

> "From Hospet I proceeded to Shiggaon. I went to the Office of the Returning Officer at Shiggaon.

I reached there at about 2-?0 P.M. When I reached there, there were people waiting outside the office. They told me that the scrutiny of the nomination papers of Shiggaon Constituency has just been taken up and that I may go in. I went in and asked the Returning Officer to take my affirmation. The officer administered the affirmation to me. Ex. R-13 is the affirmation subscribed to by me."

46. The evidence of G. C. Patil on the point is little more detailed and descriptive. There is, it seems, in the room occupied by the 2nd respondent for the purpose of his election office a raised dais. Till the arrival of the 1st respondent, the Returning Officer was sitting below the dais in company of others. When the 1st respondent arrived and stated that he wanted to subscribe to the affirmation, he took the 1st respondent to the dais and on the dais the affirmation was administered. As I shall have occasion to say later, the evidence of the 2nd respondent as R-W. 5 is also to the same effect, *viz.*, that he took the 1st respondent on the dais for the purpose of administering the affirmation. According to the evidence of the 2nd respondent, he gave the text of the affirmation in the hands of the 1st respondent who read it aloud, whereafter he signed the same after writing "affirmed and subscribed before me."

47. The scrutiny of the papers then went on. The uniform evidence of all the witnesses for the respondents is that no one raised any objection to any of the nomination papers and that the 2nd respondent accepted all of them as valid nominations.

48. Immediately thereafter, according to the evidence, all the eight candidates, other than the 1st respondent, presented their notices of withdrawal to the 2nd respondent. The witnesses further state that the 2nd respondent questioned each one of these candidates whether they were withdrawing their candidature and after receiving the answer in the affirmative and after satisfying himself about

their signatures, he made a list of notices of withdrawal and put up the same on the Notice Board of his office.

49. With that, the details of the election so far as the candidates themselves were concerned were over: although the official declaration was postponed till after 3 O'Clock on 23rd January 1967, the last day fixed for withdrawals, there remained no doubt in the mind of anybody that the 1st respondent would be declared returned unopposed, as he was the only candidate from Shiggaon Constituency. So when he came out to the varandah of the office, there was *Jai Jai Kar* according to Mahalingashetty and garlanding of him according to all witnesses.

50. We are not concerned with the subsequent events to any great extent. But as some argument has been addressed on behalf of the petitioners in relation to one or two of them, I will briefly summarise what happened subsequently as appears from the evidence for the 1st respondent.

51. Earlier in the morning at about 11-30, Hanumanthgouda Patil had come to the office of the Returning Officer. He states that when he reached there, he found G. C. Patil and others including Revanappa Havangi and the 1st petitioner, and that G. C. patil told him that he had already heard from Revanappa Havingi that three candidates from Savanur and R. C. Patil were willing to withdraw their candidature. Hanumanthgouda Patil did not stay very long at the Office. He told G. C. Patil that he might bring to his house for food the 1st respondent and other persons who might have come there from out-stations. Having said so, he returned home at about 12 O'Clock.

52. At about 2-30 P.M. after the work at the office of the Returning Officer was over as stated above, the 1st respondent, all the candidates of Shiggaon, as well as the candidates and other persons who had come from Shirhatti and Kundagol, went to the house of Hanumanthgouda Patil. Those who had come from ohter places were given

lunch and others light tiffin. Thereafter G. C. Patil made short speech congratulating the 1st respondent, to which the 1st respondent replied suitably.

53. Thereafter, at the request of the people of Savanur, the 1st respondent went to Savanur and had tea at two places—that of Lalatappa Havangi and of another candidate Ayubkhan or Amanulla Khan and heard a short speech made at the second place. From there, at the request of Katagimath, he went to Bankapur and had tea there in the presence of some important persons. With that, the events of the day came to a close.

54. The 1st respondent proceeded to Chitradurga. Mahalingashetty and Patil Puttappa who had accompanied the 1st respondent to Savanur and Bankapur returned to Hubli. Mahalingashetty says that he travelled with and in the car of G. C. Patil. We do not know in what car Patil Puttappa and others went.

55. Hanumanthgouda is clear in his evidence that he did not accompany the 1st respondent either to Savanur or to Bankapur.

56. That completes the statement of the 1st respondent's case.

57. The case of the 1st petitioner is spoken to by five witnesses including himself.

58. The 1st petitioner presented his nomination paper on 19th January 1967. He opens his evidence by deposing to this fact and denying as false the case of the 1st respondent that a nomination paper had been filed by or on behalf of the 1st respondent. His reason for the said denial is that when at about 3-30 P. M. on 20th January 1967 he had gone to the office of the Returning Officer, he did not see the name of the 1st respondent in the list of candidates. He deposed in Kannada and used the expression ".

59. The rest of the evidence for the 1st petitioner relates to events of the evening or night of the 20th and of subsequent days.

60. The earlier of the events are spoken to by two witnesses, P. W. 3 Chamansab and P. W. 4 Mohamad Jaffar. The immediately succeeding events which are of greatest importance from the point of view of the petitioners are spoken to by the petitioners themselves as P.Ws. 5 and 6.

61. Chamansab, Mohamad Jaffar and the 1st petitioner reside in the same locality or street called Khajekhanavara Galli. It is also the evidence of Mohamad Jaffar that he and Chamansab are friends and generally move together. On a certain Friday which, from the context and other events, may be identified as Friday the 20th January 1967 Mohamad Jaffar and his friend Chaman Sab were standing outside the former's house about one hour after sunset. At that time, one Gudusab Dakhni said to be a peon working at the Taluk Office came to Jaffar and told him that the Prant Officer (meaning the 2nd respondent in this case) wanted to see him. To Jaffar's question why the Prant Officer wanted to see him, Gudusab was not in a position to give any reply. Thereupon Jaffar and Chaman Sab at his request proceeded to the Office of the Prant Officer.

62. When they reached the office, they found sitting with the 2nd respondent two other persons who are later identified in the evidence as Patil Puttappa and Mahalinga shetty. Both P.Ws. 3 and 4 say that on their arrival, the 2nd respondent himself enquired of Jaffar about his acquaintance with the 1st petitioner and asked him whether he could not persuade the 1st petitioner to withdraw his candidature and that when he expressed his difficulty in the matter because the 1st petitioner had been sponsored by several people of the place, the 2nd respondent pressed further and stated that it would be to the advantage of both Jaffar and the 1st petitioner if the 1st petitioner withdraws his nomination. The 2nd respondent, according to the evidence, further stated that the two gentlemen sitting with

him would also accompany the witnesses and that all of them might go for the purpose of persuading the 1st petitioner to withdraw his nomination.

63. Thereafter, according to P. Ws. 3 and 4, themselves, Patil Puttappa and Mahalingashetty came out and sat in a car which was waitingoutside the Taluk Office and proceeded towards the house of the 1st petitioner. In the car, Patil Puttappa made enquiries of Mohamad Jaffar whether the 1st petitioner had any assets and property. He also asked Jaffar about the general financial position of the 1st petitioner. When Jaffar told him that the 1st petitioner had some lands, a shop and a flour mill and that he was waiting for a license for his huller which he had been trying to get for a long time, Patil Puttappa at once told him that he would get him the necessary license for the huller.

64. When they reached the 1st petitioner's house, Jaffar got down and went to fetch the 1st petitioner. Not finding him there and thinking that he might be in the shop of his friend, the 2nd petitioner they proceeded towards the shop of the 2nd petitioner. The car stopped at a road-crossing a few paces before the shop, and Jaffar went to Joshi's (2nd petitioner's) shop and came back with the 1st petitioner.

65. When Jaffar returned with the 1st petitioner to the car, the evidence of both P. Ws. 3 and 4 as well as the 1st petitioner is that Patil Puttappa started persuading the 1st petitioner to withdraw his nomination. He is said to have told him that the 1st petitioner has lands, a bookshop and a flour mill and that it was not wise for him that he should interest himself in elections or waste his time about elections and that it would be good if he should withdraw his nomination. The 1st petitioner is said to have resisted him and stated that he distinct idea of contesting the election and not with the idea of withdrawing the same subsequently. To further attempts on the part of Patil Puttappa in the same direction, the 1st petitioner is said to

have asked him the straight question why and for whose benefit he should withdraw his nomination. When in reply thereto Patil Puttappa said that the requet was made for the benefit of the 1st respondent, the 1st petitioner is said to have expressed his great surprise and stated that the 1st respondent had not even filed his nomination paper in Shiggaon. The further evidence of the 1st petitioner and his witnesses P. Ws. 3 and 4 is that when the 1st petitioner stated as above, Patil Puttappa stated that everything would be made all right".

66. The next stage in the persuasion according to the evidence was that Patil Puttappa told the 1st petitioner that he had something more to say and that it was not proper to discuss the same on the street and that therefore the 1st petitioner might come in his car. Here again that 1st petitioner is said to have resisted the request and later agreed to go on condition that the 2nd petitioner is also permitted to come with him. To this suggestion Patil Puttappa had no objection, whereupon the 1st petitioner went back to the shop of the 2nd petitioner and came back with him to the car.

67. Both the petitioners got into the car. When the car left, P. Ws, 3 and 4 returned home.

68. The description of subsequent events given by the 2nd petitioner as P. W. 5 is more detailed and more graphic. Except in one or two particulars, the evidence of both the petitioners is the same in regard to the said details.

69. According to the evidence, the car proceeded straight to the house of Hanumanthgouda Patil which is situate on the outskirts of the town. When they reached the house, Hanumanthgouda who was standing on the Katta welcomed them. All the four got down and entered the house.

70. Patil Puttappa once again started his request to the 1st petitioner to withdraw his nomination. Both the

petitioners say that the 1st petitioner continued to resist those requests. At one stage, Patil Puttappa is said to have addressed the 2nd petitioner to the effect that the 1st petitioner has behaving very unwisely (
and requested the 2nd petitioner to give him proper advice. The reply of the 2nd petitioner thereto was that the 1st petitioner had been sponsored by important men of the locality, that he was expecting full support from all Muslims in the Constituency and also from a good number of Hindus and that he the 2nd petitioner, himself saw no point in the 1st petitioner withdrawing his nomination paper. At that point Patil Puttappa is said to have chang-d his tone and s arted threatening the petitioners. He appears to have told them that he was himself a M. P. (Member of Parliament) and spoken to the effect that it might not be in the interests of the petitioners to resist his requests or that a refusal to accede to his request was fraught with dire consequences to the petitioners.

71. Ultimately, the 2nd petitioner says: he advised the 1st petitioner to sign because they were in quite a helpless condition. The house of Hanumanthgouda, as already stated, is situate on the ontskirts of the town. The witnesses say that it is a large house and that even if they had shouted out, it was unlikely that they would have got any help. It was in those circumstances that he advised the 1st petitioner to accede to the request of Patil Puttappa.

72. The ultimate request accepted under threats was that the 1st petitioner should sign a blank printed form and two blank white sheets of paper. It is to that request that the 1st petitioner submitted. The situation is described by the 1st petitioner in the following terms:—

> "Then Patil Puttappa changed his tone and said that it will not be good or safe for me to continue to refuse his request, threatened me whether I would like to go on with the election or prefer to live in safety, said that he was an M. P. and that therefore he could do anything to me. He

produced a blank printed from and two blank sheets of white paper, asked me to sign them, and threatened that I will not be allowed to go unless I affix my signatures to the same. I then looked towards the 2nd petitioner. He was also threatened in the same way. Ultimately he said to me that there was no escape for us and that therefore I might sign the papers as desired by Puttappa. Then against my will and submitting to the pressure of Puttappa, I signed those papers."

73. Then, both the petitioners say. Puttappa took possession of those papers and left the place in company of Mahalingashettv after leaving instructions with Hunumanthagouda Patil not to release or allow them to leave the house until he (Patil Puttappa) permits them to go, To that request or direction of Patil Puttappa Hanumanthagouda Patil is said to have nodded assent.

74. According to the petitioners, Hunumanthgouda Patil is said to have offered them food which they declined. He stated that at least they might take milk. They were given milk. Thereafter, the servants of Hunumanthgouda are said to have supplied them with Chaddars to sleep. Although the 1st petitioner himself says that he slept away that night, the 2nd petitioner states that he was so upset and depressed by the events that he did not get sleep at all. About mid-night, he tried to escape but failed in his attempt because he found his way barred by the servants of Hunumanthagouda sleeping across the way and also heard a dog growling at him.

75. The next morning, *i.e.*, 21st January 1967, some servants of Hunumanthgouda gave them water to wash their face and also offered tea. In the afternoon, they were given food and once again tea in the evening. They were not allowed to leave the house even on the night of 21st January 1967. But early in the morning at about 4-30 on

the 23nd of January 1967, some servants of Hunumanthagouda Patil came and stated that they might go.

76. From the house of Hunumanthagouda Patil, after they were released, both the petitioners came out. They walked towards the National Highway. There is other evidence, particularly answers elicited on behalf of the petitioners in the course of the cross-examination of G. C. Patil and Hunumanthgouda Patil, that thre is a short Katcha road leading from the house of Hunumanthgodua Patil to the National Highway, and that the a phalted road (dambara raste) leading from the National Highway into the Shiggaon town is slightly further away from that road.

77. The petitioners on coming out say that they felt so ashamed of themselves and therefore unwilling to show their faces to their friends in Shiggaon that they thought of going to Hubli for some time. Just then they saw goods truck travelling towards Hubli. They got into it and went straight to Hubli. They reached Hubli at about 7.00 or 7 30 in the morning and got down near a place which they describe as Siddesware Company: Near that place, it appears there is a canteen or hotel. They went into it for food. There, they found a copy of the issue of Samyukta Karanataka of 22nd January 1967 (Ex.R.1). The 1st petitioner picked it up and found on the 1st-page a news item announcing the unopposed or uncontested return of the 1st respondent. On reading it the 1st petitioner says that he was greatly surprised because he had not withdrawn his candidature at all He adds that he then felt that the signatures taken from him by Patil Puttappa on 20th night must have been utilised to his serious detriment in that way. He passed on this information to the 2nd petitioner and both of them made up their mind and the matter cannot be left at that stage and that they should do something about it. They decided to go and consult a lawyer. The 2nd petitioner suggested the name of Mr. S. S. Shettar P.W. 2 because besides being a lawyer he was himself a candidate for election at Hubli and may therefore be expected to be well

conversant with all the details of election law. They did not know his exact address, but making enquiries from place to place, they ultimately reached the house of Mr. Shettar at about 9.00 or so in the morning. Mr. Shettar was not at home. The petitioners had to wait a long time and it was 2-30 in the afternoon when Mr. Shettar arrived. He was also very busy and had not even taken his bath or food. He, therefore, asked them to wait for some time and ultimately came to them at about 3-00 P.M. The 2nd petitioner introduced the 1st petitioner to him and the 1st petitioner narrated all the facts to him. Mr. Shettar appears to have told them that he had no time to go into all those details, nor any time to go to the Returning Officer—the 2nd respondent in the company of the petitioners, but that in his view the best thing that they could do immediately was to despach at telegram to the Returning Officer—the 2nd respondent. Accordingly he drafted a telegram and handed it over to the petitioners. After getting the draft typed, they despatched the telegram from Hubli telegraph office at 4-35 P.M. That telegram received by the 2nd respondent is marked as Ex. P. 3. It reads:

> "Patil Puttappa took my signature on blank printed form in the house of Hanamantagouda at Shiggaon on 20th January 1967 in the presence of G. V. Joshi. Today I have read in newspaper that I have withdrawn it is false. I have not withdrawn. It is not presented by me. I do not know who has filled the contents of the form and presented it any. So if there is any notice of withdrawal, it is not valid. I am contesting from Shiggaon Constituency. Please take notice that I have not submitted my withdrawal notice."

78. Having despatched the telegram, the petitioners went back to Mr. Shettar's place. Once again he was not at home. He returned at about 7-00 or 8-00 in the evening. He had engaged a car for going to Dharwar on

some election work. It appears he also had some work with the Deputy Commissioner of Dharwar who is also the District Election Officer. The petitioners accompanied Mr Shettar in his car and went to Dharwar. The car was stopped at the Deputy Commissioner's Office at Dharwar. This is what Mr. Shettar says:

> "Again in the evening, if I remeber right, both the petitioners met me. Perhaps he was not satisfied with only sending the Telegram. I was then in a hurry to see the Deputy Commissioner, Dharwar, in connection with my own election work. Both the petitioners accompanied me. I casually mentioned to the Deputy Commissioner about the telegram drafted by me. As it was getting late. I returned from Dharwar to Hubli. That is all."

79. The 2nd petitioner states that when the car was stopped at the gate of the Collector's Office, the 1st petitioner and Mr. Shettar went into the Office and he the 2nd petitioner remained in the car until both of them returned after about half-an-hour.

80. The 1st petitioner states:

> "We then returned to Mr. Shettar's house. He was not there. He returned at about 7-30 or 8-00 P. M. He had arranged to engage a car for his canvassing work or some other work in connection with the election and was about to go in it. We also got into the car with him with a view to see the Collector. Stopping the car at the gate of the Office of the Collector. I told the Collector in Kannada all that had happened. Thereafter Mr. Shettar and the Collector spoke to each other in English. I cannot say what it was."

81. Thereafter. Mr. Shettar had to see somebody in Dharwar. After seeing him he and both the petitioners returned to Hubli by the same car. The car was stopped

at a locality called 'Durgada Bail'. When they reached there, an election meeting was going on and somebody was making a speech. It appears from the evidence of Mr. Shettar that it was an election propaganda meeting of the Jan Sangh party and that he also was expected to be there. I should have stated earlier that Mr. Shettar is the Vice-President of the Mysore State Pradesh Committee of the Bharatiya Jan Sangh and that he was an official candidate of the Jan Sangh party at Hubli town constituency.

82. Mr. Shettar states that the only person scheduled to make a speech was one Mr. Malya and that neither he nor the 1st petitioner was scheduled to make a speech. But when the 1st petitioner, who was standing at the fringe of the crowd along with his friend the 2nd petitioner, was recognized by some of the people, they wanted him to make a speech about the events of Shiggaon. The request for the same, according to the evidence, gained momentum with the result that the 1st petitioner was moved towards the rostrum, got up and made a speech. Both the petitioner simply say that he made a speech, but do not state what the 1st petitioner had spoken. Mr. Shettar, when questioned as to whether he could remember the substance of the speech, stated:

> "I do not remember the exact things that he said. All that I can recollect is that he the 1st petitioner said that he had not withdrawn his candidature."

83. Certain Extracts from the speech said to have been delivered by the 1st petitioner at that meeting appeared in the issue dated the 23rd of January 1967 of a Kannada daily paper called Visuala Karanataka. Ex. R. 6 is the issue. Portions of the speech reported in it have been separately marked as Ex. 6 (a) and (b). I shall have occasion to refer to them at a later stage.

84. Mr. Shettar P. W 2 after having given the 1st petitioner the draft of Ex. P. 3 had advised him that for

further advice he should go to Mr. B. S. Patil, Advocate, Dharwar. Hence, on the morning of 23rd January 1967, the petitioners went and saw him. The 1st petitioner appears to have requested Mr. B. S. Patil also to go with him to the Returning Officers but as there was no time to do so, 23rd being the last day for withdrawals, he drafted another telegram and asked the petitioners to despatch the same from Hubli telegraph office because despatch from Dhrawar was likely to be delayed The petitioners, therefore, came back to Hubli and despatched that telegram from Hubli Telegraph office at 12-05 P. M. That telegram is Ex. R. 8 and reads:

> "Hereby I am reiterating that I have neither submitted nor delivered any withdrawal under Section 37 of the Representation of People Act, neither have I authorised anyboby to deliver my withdrawal. The subscribing has been act of fraud. Please do not act on any fraudulent representation and do not be party to the fraud. Please note my candidature is intact and continues."

85. On the 25th of January 1967, the petitioners returned to Shiggaon. After further consultations and making necessary arrangements the petitioners filed this petition before this court on the 7th of March 1967.

86. These are the two versions placed before the Court by the contending parties in this case which in almost every material particular are diametrically opposed to each other. Except that some papers have been filed and marked as Exhibits, the evidence is entirely and exclusively oral evidence. In cases of this nature, where the dispute is in relation to an election, it is hardly ever possible for a Court to find a witness who may be described as totally disinterested. It is inevitable that in matters of election, persons who give evidence in election petitions will be persons who have some political or personal affiliation with one or other of the contending parties. Even apart from any

deliberate attempt at colouring the facts or uttering a falsehood, the very fact of personal interestedness or the fact of sharing a common interest with one or other of the contending parties may itself disable the witnesses from making a correct assessment of the value of the facts and events witnessed by them. It is, therefore, a matter of considerable difficulty for a Court to make a choice between one version and another version or to condemn out-right the evidence of one witness as totally unacceptable and accept as reliable the entire evidence of another witness. The only safe guide in matters of this nature is the availability of circumstances which may be regarded as unimpeachable on the basis of which the Court may make reasonably accurate comparison between what the witnesses say and the way persons of their mental and emotional build or make-up may be expected to react to situations, peculiarly in relation to the actual facts in issue.

87. Although the witnesses so far referred to will all fall into the category of witnesses whose evidence has to be scanned with caution in the manner aforesaid, there is one witness who may, in ordinary circumstances, be regarded as disinterested or not so interested in one or other of the parties as the other witnesses may be, and that is the 2nd respondent the Returning Officer. I used the word 'ordinary' advisedly for reasons which I shall state presently.

88. The Returning Officer is generally an officer of the Government before he is appointed or selected as Returning Officer by the Election Commission. The duties that he performs are undoubtedly quasi-judicial in nature. The Election Commission, which has issued a Handbook of Instructions to Returning Officers, has expressly drawn the attention of all the Returning Officers to this circumstances and has in very clear terms impressed upon them the necessity of observing that they describe as high judicial standards and also of bringing to bear on the discharge of their duties, not only impartiality, but also patience and courtesy.

89. Ordinarily, therefore, one should say that Returning Officers may be expected to place before the Court facts

or events as they have actually occurred with making any attempt to colour the same to the benefit of one party or the detriment of another party.

90 In this case, as I have already stated the petitioner have chosen to implead the Returning Officer as a regular party to the proceedings. They have also very seriously questioned his *bona fides* and in the course of arguments on their behalf strenuous attempts have been made to make out the original case of *mala fides* as well as to whittle down or totally take away the value of the evidence tendered by him.

91. Even so, it appears to me, the evidence of the Returning Officer in this case can be and perhaps is the only assistance which I have to assess the two versions placed before me by the contending parties. If it were a normal case with no attack made on the *bona fides* of the Returning Officer his evidence would have been of clear value as the evidence of a disinterested witness to test the truth or otherwise of the evidence tendered by other witnesses. Here in this case where his *bona fides* are questioned and he is charged with partisan feelings in favour of one of the contending parties, the extent to which that attack may succeed or fail will also give the measure of the value to be placed on the evidence tendered by the one or the other of the contending parties.

92. I therefore, proceed first to summarise his evidence and examine all the attacks made against him personally as well as in this capacity as Returning Officer before making any attempt to assess the value of the evidence tendered by or on behalf of the petitioners and by or on behalf of the 1st respondent.

93. The 2nd respondent was, as already stated, the Returning Officer for three Constituencies of Shiratti, Kundgol and Shiggaon He was at the relevant time the Assistant Commissioner of the Revenue Sub-Division of Savanur, comprising the said three taluks as well as another taluk called Hangal. It is because he was the Assistan

Commissioner that he came to be appointed as the Returning Officer.

94. He was for the first time promoted as Assistant Commissioner in May 1961 and posted to Bagalkot Revenue Sub-Division. This was by an order of the State Government dated 9th May 1961, an authenticated copy of which is produced as Ex. R. 17. By an order dated 10th June 1964, an authenticated copy of which is Ex. 18, he was transferred to Bangalore as the Personal Assistant to the Director of Public Health. On 2nd December 1965 by an order, whose authenticated copy is Ex. R. 19, he was transferred to Savanur as the Assistant Commissioner of the Revenue Sub-Division, Savanur. He took charge on the 4th of December 1965. He still continues to be there.

95. The Notification of the State Government calling for the election under Section 15 of the Representation of the People Act was published on the 13th of January 1967. According to the calendar of events fixed in accordance with the provisions of Section 30, the 20th of January was the last day for presenting nomination papers, 21st the date fixed for scrutiny and the 23rd the last day for withdrawals of candidature.

96. The Assistant Commissioner of Savanur has his permanent headquarters as Savanur, but for election purposes, he had set up his temporary headquarters, at the Taluk Office of Shiggaon between the dates of 13th and 23rd of January 1967. Out of these, 13th, 14th and 15th were holidays. He actually started residing there from the 16th.

97. In his evidence he has given detailed information about the receipt of nomination papers and the putting up of various notices as required by the relevant rules. According to his evidence he received the nomination papers of the 1st petitioner on the 19th and the 1st respondent on the 20th. Ex. R. 23 is one of the two nomination papers produced before him by the 1st petitioner and R. 24 another

paper produced by him. They were received by him at 12-40 and 12-55 p.m. respectively on the 19th.

98. The nomination paper of the 1st respondent Ex.R. 11 was received by him at 2-50 P.M. on the 20th of January 1967. In that form he is required to enter the exact time and date of receipt. His endorsement on the form noting 2-50 P.M. to be the exact time of receipt, is expressly spoken to by him and is separately marked R. 11 (c), He has stated that a certified extract from the electoral roll of Chitradurga Ex. R. 12 was delivered to him along with R. 11, and that he made a note thereon reading:

"Received on 20th January 67." marked separately R. 12 (c). He has stated that a sum of Rs 250 being the deposit was handed over to him in cash by Hanumanchagouda Patil immediately he came into his Office and that he sent the same into the Sub-Treasury the same day. The Sub-Treasury is located in the same compound as that of the Taluk Office. Ex. R. 25 is the treasury challan signed by him. He has not only signed it as Returning Officer, Shiggaon, but also described himself by the said official designation in the column intended for entering the name of the person making the deposit.

99. On the 20th of January 1967, he put up on his notice board a notice Ex. R. 26 setting out the programme of scrutiny of nomination papers fixed for the following day the 21st, according to which it was notified that the papers will be taken up for scrutiny Constituency-wise in the following order, *viz.*, Shirahatti, Kundgol and Shiggaon.

100. On the 21st of January, according to his evidence, he reached his Office at about 5 minutes before 11-00 A.M After making preliminary arrangements for the work of scrutiny, he commenced the scrutiny of the papers of Shirahatti at about 11-30 A.M. and finished it by about 1-00 P.M. Then he took his meals which occupied him about half-an-hour. At 1-30 P.M. he commenced the the scrutiny of the nomination papers of Kundgol which was completed at about 2-30 P.M. He states that during

the scrutiny of the papers of Shirahatti, some objections were raised for the nomination paper of one of the candidates, but was later not pressed. There was similarly an objection to the nomination paper of one of the candidates of Kundgol Constituency which also after some discussion was not pressed.

101. He commenced the scrutiny of Shiggaon papers at about 2-30 or 2-35 P.M. he asked the candidates to inspect the papers if they wanted. He then states:

> "When the candidates were looking into the papers, the 1st respondent came into my office. He said that he wanted to subscribe to the affirmation. I was till then sitting below the dias. When the 1st respondent expressed his desire to make an affirmation, I led him to the dias. Then I handed over to him Form No. 7-A which is the prescribed text of affirmation. He read it aloud and signed it in my presence. I endorsed thereon "affirmed and subscribed before me" and signed the same. Ex. R. 13 in the text of the affirmation subscribed by the 1st respondent. The endorsement referred to above is Ex. R. 13 a)".

Thereafter, he states that he read out the names of the candidates mentioned in the nomination papers calling for objections, if any. Nobody having raised any objection, he accepted all the nomination papers and prepared and caused to be put up on the notice board a list of validly nominated candidates in form No. 4 both in English and in Kanada, Ex. R. 9 and R. 10.

102. He states expressly that at the time of the scrutiny all the nine candidates including the 1st petitioner and the 1st respondent were present.

103. Immediately thereafter, all the candidates except 1st respondent came to him and presented their notices of withdrawal. When they so presented the forms, he asked

each one of them whether he was withdrawing his nomination and after receiving his reply in the affirmative and after satisfying himself about his identity and genuineness of his signature, he made on each of the papers an endorsement of the time of receipt. Regarding the notice of withdrawal presented by the 1st petitioner, this is what he states:

> "Ex. P. 8. is the notice of withdrawal of the 1st petitioner Khanjekanaver, presented by him. The manuscript writing is English in the portion of the Exhibit separately marked Ex. P. 8 (c) is mine. In the said portion it is noted that 'this notice was delivered to me at my office at 3.28 P. M. on 21st January 1967 by Shri Khajekhanaver Khaderkshan the candidate".

104. After giving to each of the candidates an acknowledgement for the withdrawal form presented by him, he published a notice of withdrawals of candidature in form No. 6 on his notice board both in English and in Kannada, Exhibits R. 27 and R. 28.

105. After 3.00 P. M. on 23rd January 1967, the last date and time for withdrawals, he published a list of contesting candidates in form No. 7-A both in English and in Kannada, Exhibits R. 29 and R. 30. The only name mentioned therein is of the 1st respondent.

106. At about 3.15 P. M. on the 23rd, he formally declared the 1st respondent as returned unopposed. Ex. R. 33 is the declaration. Ex. R. 34 is his return made in form No. 21.

107. He admits receipt of Exhibits P. 3 and R. 8. purporting to have been sent by the 1st petitioner. Ex. P. 3 according to the endorsement, made by him, was received by him at 7-20 P. M. on 22nd January 1967. He endorsed thereon that since it was a telegram, it would not be acted upon. Ex. R. 8 was received by him at 3.00 P. M. on 23rd

January 1967 and he made an endorsement thereon to the following effect :

> "It is also a telegram. Nothing can be done on this. Besides, he presented his withdrawal application in person after the scrutiny of all the nomination papers. Valid withdrawal cannot be revoked. File."

108. He has further stated that according to the instructions given to him, he was not only sending copies of the notices of nomination put up by him on his office notice board, but also sending telegrams to the District Election Officer. Ex. R. 43 is the telegram sent by him to the District Election Officer on the 19th of January giving the names of all persons who had filed nominations in all the Constituencies for which he was the Returning Officer. Ex. R. 44 is the similar telegram of 20th of January 1967.

109. On the 23rd of January 1967, the 2nd respondent had occasion to see the District Election Officer at Dharwar. He did so at about 8.00 P. M. that night. According to him, he had to discuss with him details of the polling in the Constituencies of Shirahatti and Kundgol. He further states that he took the opportunity to inform the District Election Officer of the fact of his having received the telegrams Exhibit P. 3 and R. 8

110. On the 24th morning, he saw a news item in the issue of the Samyukta Karnataka dated 24th of January 1967. The issue is Ex. P. 15 and the news item appears on the 1st page thereon. Two portions of that report separately marked Ex. P. 15 (*a*) and (*b*) state that one of the candidates at Siggaon had raised an objection that the nomination paper of the 1st respondent had been filed beyond time, and that the 1st petitioner had informed the Returning Officer in writing that his withdrawal of his candidature had been secured by the exercise of pressure. The 2nd respondent states that he thought it necessary to have this news item contradicted by the publication of a clarification press note. Accordingly,

he wrote a detailed letter to the Election Officer that day setting out what according to him was the true state of affairs and seeking permission to publish a clarificatory press note. Ex. R. 37 is the original of that letter produced by the District Election Officer. Ex. R. 37-A is the office copy thereof retained by the 2nd respondent and produced by him into Court. Ex. R. 38 is the draft of the press note which he proposed to get published. The District Election Officer by his reply Ex. R. 40 dated the 31st of January, told the 2nd respondent that he might himself take steps to get the press note published. This letter was received by him on the 3rd of February. On the 4th, he sent the note to the Editor of the Samyukta Karnataka with a covering letter, the office copy whereof is Ex. R. 41. The note was published in the issue of the Samyukta Karnataka dated the 7th of February 1967. Ex. P. 19 (a) is the said Publication.

111. Foregoing is a summary of all the material facts deposed to by the 2nd respondent. The consideration of answers elicited from him in the course of the cross-examination on behalf of the petitioners can more conveniently be taken up along with the examination of the several attacks made against his *bona fides* and the credibility of his evidence.

112. Although very serious allegations have been made against him and it has been attempted on behalf of the petitioners to make out that he had at all material times completely permitted his sense of official duty to be over-powered by his interestedness in the 1st respondent, the petitioners have made no attempt whatever to lead any direct evidence in support of these serious allegations. The entire case is sought to be built upon what are described as necessary inferences from proved facts.

113. Facts which may be regarded as completely proved or admitted are only just about half a dozen or less in number. The 2nd respondent happened to be the Returning Officer both at the bye-election from Bagalkot in

May 1962 as well as in the General Elections of 1967 in Shiggaon Constituency. At both these elections, the 1st respondent was returned unopposed. The second respondent was first posted as the Assistant Commissioner of Bagalkot in May 1961 about one year before the bye-election. He was posted as the Assistant Commissioner of Savanur Sub-Division, of which Shiggaon is part, in December 1965, about one year before the elections of 1967.

114. Upon these facts, it is suggested that the posting of the 2nd respondent at these places about a year prior to the respective elections was specially motivated. The argument sought to be developed on this basis is that before he became Returning Officer, he was also functioning as the Electoral Registration Officer, and that therefore, his working as such was likely to furnish him with opportunities to come into contact with important members of the electorate so that he may utilise these contacts for the furtherance of the prospects of the election of the 1st respondent.

115. Now the facts stated above are more accurately the admitted or proved facts are not in themselves sufficient to charge the nd respondent with any *mala fides*. The real case is that he was specially posted at these places so that he may so manoeuvre things as to bring about an uncontested return of the 1st respondent. The argument that he was posted at the respective places one year before the date of the election so that he may contact the electorate is really destructive of the first argument, as longstanding contact with the electorate will be a matter of value only if a poll was going to be taken.

116. The petition in sub-paragraph (*b*) of paragraph III expressly states that at the Bagalkot bye-election, the 2nd respondent has so shaped things as to enable the 1st respondent to get returned uncontested. The evidence of the 1st petitioner himself on this point is that sometime during the 1st week of March 1967 when he was travelling in a bus some passengers with whom he was not acquainted, told him that the 2nd respondent had worked or functioned

as the Returning Officer at the bye-election at Bagalkot in May 1962 and that he had manoeuvred things so as to bring about an uncontested return of the 1st respondent. The 1st petitioner in his evidence distinctly states that he merely heard this passenger relating these things and did not even make further enquiries with him, because he was not acquainted with him. Evidence of this type which may rightly be described as double or treble hearsay is of no real value whatever.

117. Quite apart from this weakness in the oral evidence tendered by the 1st petitioner, there is an intrinsic improbability in the suggestion that the 2nd respondent had been posted to Bagalkot sub-divison in May 1961 with a view to get the 1st respondent returned uncontested in May 1962. It should be remembered that at the General Elections of 1962, the 1st respondent stood as a candidate from Hosadurga Constituency and that he got defeated at the election. It is impossible to suggest that before the election, he was interested in attending to anything but activities which might tend to support his election at Hosadurga. Even the bye-election was made possible because, after the defeat of the 1st respondent from Hosadurga Constituency; the official Congress candidate who had got returned from Bagalkot resigned his seat in the Legislature with a view to make room for the 1st respondent. If such were the position upon facts, it is impossible to hold or even suggest that the bye-election at Bagalkot in the month of May 1962 was at all in the contemplation of anybody much less the 1st respondent before defeat in Hosadurga.

118. Further suggestions have been made in the course of the cross-examination of both the 2nd respondent as well as Mahalinga Shetty that Patil Puttappa and Mahalinga Shetty had gone to Bagalkot during the bye-election of May 1962. This is a new suggestion developed for the first time in the course of evidence and of course both the 2nd respondent as well as Mahalinga Shetty have rejected the suggestion.

119. Another argument sought to be developed in support of the same theory is that when the 2nd respondent was working as the Assistant Commissioner of Bagalkot, he had collected large amounts of gold for the National Defence Fund and that a ceremony called the 'Tulabhara Ceremony' was organised in Bijapur at which Mrs. Indira Gandhi and the 1st respondent are said to have been weighed against gold. The 2nd respondent admitted that he was present at the function as the Assistant Commissioner. He also admitted that the amount of gold collected by him in the division was higher than what had been collected by anybody else in that division. Assuming all these facts to be true, I fail to understand how the facts can at all support a suggestion that he had developed either then or at any time earlier a special intimacy with the 1st respondent, or that the 1st respondent had selected him for bestowing upon him special affection of favour or favourtism. It is a matter of common knowledge that for the purpose of making collections for the National Defence Fund, not only the members of the public but also officers of the Government were devoting special attention. It was also perhaps one of the items in the publicity programmes of the Government that persons considered to be important either in the State or Indian politics should be made the central figures of ceremonies and functions of the type described above. I do not think that any inference of the type suggested on behalf of the petitioners can be drawn from these circumstances.

120 As to the present elections, there is not even hearsay evidence on behalf of the petitioners The entire case is built upon suggestions made to witnesses which have been rejected by them and inferences and argument suggested which it is now my duty to discuss.

121 Questioned about his impressions about the 2nd respondent's attitude towards him in the course of the

cross-examination on behalf of the 2nd respondent, the 1st petitioner deposed as follows :

> " Till 20th January 1967, there was no sort of illwill between me and the 2nd respondent. Whenever he saw me, he spoke to me normally. I could not infer either illwill or affection for me from his manner of talking of behavior. "

122. Pressed further during the course of the cross-examination, he stated :

> " I do not attribute to the 2nd respondent any act or activity not expressly attributed to him in my petition. "

123. Neverthless three witnesses on behalf of the petitioners had attributed to him vast activities far beyond the scope of the allegations contained in the petition.

124. P. W. 1 Hanumanthasa is one of them.

P. W. 3 Chaman Sab and P. W. 4 Mohd. Jafar are the other set of witnesses who did likewise.

125. P. W. 1 Hanumanthasa was summoned on behalf of the petitioners to produce the negatives of two photographs said to have been taken by him on the evening of 21st January 1967 in which the 1st and the 2nd respondents appear. He came to Court without the negatives and deposed that one Abdul Khader Bhudusab Dakani, a clerk working in the office of the Block Development Officer Shiggaon, took away the negative from him on the 22nd June 1967 stating that the Prant—Officer the 2nd respondent, the Mamlatdar and the Block Development Officer wanted those negatives, and that when after receipt of summons he went to the said Dakani to get back the negatives, he refused to return them. He further deposed that it was the same Dakani who had come to him with a request of the 2nd respondent to go over to his Office and photograph him in the company of the 1st respondent on the 21st of January 1967. The 2nd respondent has of course denied these suggestions.

126. It will be seen that the point of the evidence as so deposed to was not that on the 21st of January 1967 P. W. 1 Hanumanthasa had taken a photograph of the respondents, but that with the trial in prospect the 2nd respondent had taken special steps to deprive the witness of the custody of the negatives which he had been summoned to produce on behalf of the petitioners. The case obviously sought to be built upon this was that the 2nd respondent who was interested in the 1st respondent getting elected was also anxious to see that the petitioners are deprived of the evidence necessary for this trial.

127. But the use which Mr. B. S. Patil, the learned counsel for the petitioners, wanted to make of this evidence was that the 2nd respondent was so closely associated with the 1st respondent that he had arranged to get himself photographed in his company so that he may retain the photograph as a memento. If that was all that was intended to be achieved by this evidence, nothing more was necessary than to produce those two photographs which are actually produced by this witness and to show that both the 1st respondent and the 2nd respondent are clearly recognisable in those photographs. Assuming for a moment that the 2nd respondent did have such a weakness to get himself photographed in the company of an important person, I do not think that his conduct calls for any special comment because he is not the only person subject to such weakness. There are many people who think that they achieve importance by getting themselves photographed in the company of more important persons. That will, therefore, furnish no sound basis for inferring anything so sinister as the petitioners want to attribute to the 2nd respondent.

128. P. Ws. 3 and 4 have attributed to the 2nd respondent activities beyond the scope of the petition, which I shall presently point out were perhaps beyond the contemplation of not only the petitioners, but even their counsel.

129. The said two witnesses, it will be remembered, deposed that on Friday the 20th of January, sometime after sunset one Ghundusab came to fetch them at the instance of the 2nd respondent and that at the Office of the 2nd respondent, the 2nd respondent himself stated persuading Jafar to get the 1st petitioner withdraw his nomination. It would mean that even in regard to corrupt practice said to have been committed through the agency of Patil Puttappa and others, the 2nd respondent was being assigned a certain part. Apart from the absence of any reference to this material fact in the petition, the positive evidence of the 1st petitioner that he did not attribute to the 2nd respondent anything which has not been expressly attributed to him in the petition would itself be sufficient to discard this evidence as unacceptable.

130. Apparently in view of this obvious weakness in the evidence, Mr. B. S. Patil, the learned counsel for the petitioners, expressly told me in the course of the arguments that he was not going to place any reliance on this part of the evidence of P.Ws 3 and 4 and that it was not a part of his case that so far as the corrupt practices of bribery or undue influences are concerned, the 2nd respondent had any particular part. Indeed, in the course of the arguments, Mr. Patil said that even in the case of Patil Puttappa it may be that at that point of time he did not have any intention intention to expert or expectation of having to exert any pressure on the 1st petitioner. If so, the petitioners cannot attribute any motive or special desire to the 2nd respondent to allow himself to be utilised for the purpose of commission of any corrupt practice.

131. Coming now to express statements in the petition against the 2nd respondent, it will be best to refer to sub-paragraph (k) of paragraph III of the petition. That is the sub-paragraph in which is formulated a charge of corrupt practice of procuring the assistance of the 2nd respondent. The particulars thereof according to the said sub-paragraph are those already set out in sub-paragraphs (a), (b), (c), (d), (e), (f), (g) and (h).

132. Sub-paragraph(s) contains nothing but a statement that there were only eight candidates excluding the 1st respondent and that on the withdrawal of the seven of them, the 1st petitioner ought to have been declared elected.

133. Sub-paragraph (b) is one in which the special bond of interest between the respondent is set out and the 2nd respondent is charged having manoeuvred matters at the bye-election of Baglkot. I have already dealt with that Sub-paragraphs (c),(d),(e),(f) and (g) deal with the petitioners' case regarding the absence of or infirmities in the nomination paper said to have been presented on behalf of the 1st respondent. So far as this is concerned, the only statement of any charge or complaint against the 2nd respondent is the general statement contained in sub-paragraph (g) that in the circumstances stated, the nomination of the 1st respondent must be taken to have been manoeuvred or manipulated or ushered in. Although I shall have to say more about Exhibits P. 3 and R. 8 later, it is enough to state at this stage that neither of them make any mention of either the absence or invalidity of the nomination paper of the 1st respondent and neither of them attributes any *mala fides* or even irregular conduct to the 2nd respondent. Even Ex. R. 8 in which the word fraud is used, the suggestion in the context clearly is that the fraud had been committed not by the 2nd respondent, but by somebody else and by asking the 2nd respondent not to be a party to the fraud he was merely being warned not to be a victim of fraud.

Sub-Paragraph (h) reads as follows:

> "The stage of scrutiny was never reached for want of any nomination paper of respondent No. 1 and hence the state of withdrawal supposed to have left respondent No. 1 alone in the field is automatically unrelated to facts. The non-compliance with the requirements of the symbol establishes the same position."

I shall deal with the question of symbol at a later stage. The rest of the sub-paragraph contains no special allegation

against the 2nd respondent. It is only a summary of the case of the petitioners regarding the nomination paper of the 1st respondent.

134. The next argument in support of the case of *mala fides* is directly related to Ex. R. 8, and may therefore be taken up for consideration at this stage itself.

135. The argument is that in view of the allegations contained in Exhibits P. 3 and R. 8, it became the duty of the 2nd respondent to hold a summary enquiry under sub-section 3 of section 37. That section deals with withdrawal or candidature.

Sub-section 3 reads:

> "The returing Officer shall, on being statisfied as to the genuineness of a notice of withdrawal and the identity of the person delivering it under sub-section (1), cause the notice to be affixed in some conspicuous place in his office."

The corresponding rule in the Conduct of Elections Rules, in Rule No. 9. Sub-rule 1 thereof prescribes a form for the notice of withdrawal and enjoins upon the Returning Officer the duty of making a note on the form of the exact time of its presentation. Sub-rule 2 says that the notice under Sub-section 3 of Section 37 shall be in form No. 6. Form No. 6 is the form prescribed for exhibiting information about withdrawals of candidature delivered to the Returning Officer. In this case, the 2nd respondent has deposed that after satisfying himself about the particulars mentioned in Sub-section 3 of Section 37 he had put up notices in form No. 6 in both Kannada and English and produced his office copies thereof as Exhibits R. 27 and R. 28.

136. *Prima facie*, therefore, if his evidence is to be accepted, he had, according to him, completed his function of enquiry under sub-section 3 of Section 37 before putting up Exhibits R. 27 and R. 28.

137. Nevertheless, the argument is that in *view* of the decision of the Madhya Pradesh High Court reported in XV E.L.R. 467, RAMAKANT KESHEORAO *Vs.* BHIKULAL LAXMICHAND, the Returning Officer had the power to revise his opinion until he comes to put up the list of contesting candidates under Section 38 of the Act.

138. A reading of the case in the light of the previous ruling of the Supreme Court in NATWAR LAL *Vs.* BHARTENDRA SINGH, V E. L. R. 408 shows that the argument so presented cannot be accepted. In NATWAR LAL's case, Their Lordships have clearly pointed out that in the matter of scrutiny of nomination papers, the Returning Officer discharges or exercises as quasi-judicial function and that once he comes to a judicial decision on the matter, he has no right to review the same because the power of review has to be specially conferred upon authorities other than the ordinary courts. The Madhya Pradesh High Court referring to the said decision of the Supreme Court states that the stage of completed judicial decision is reached when a list of validly nominated candidates is put up after completion of the scrutiny. In the case before them, the Returning Officer had accepted the nomination paper of a candidate in respect of a parliamentary Constituency and later discovered while scrutinising the nomination paper of the candidate relating to an Assembly Constituency that he was disqualified and immediately took up the previous paper and rejected that also as invalid. But, he did this before putting up the list of validly nominated candidates. It may be a question of some nicety and difficulty whether the stage of a completed judicial decision is not reached when the Returning Officer endorses his acceptance or rejection on the nomination paper in question or is postponed till he puts up the relevant list under the Rules. But even assuming that it is permissible to postpone the stage till the putting up of the relevant notice, such a stage had in fact been reached in this case. Before receipt of Ex: P. 3 he had already put up the list of withdrawals in form No. 6. Those lists were put up on the 21st evening. Ex. P. 3 was received by him on the 22nd evening.

139. Even as a matter of fact the allegation in Exhibits P. 3 and R. 8 was that the 1st petitioner himself had not personally presented the withdrawal, the further suggestion being that somebody might have presented a withdrawal form making out that he is authorised by him to do so. According to the evidence of the 2nd respondent the withdrawal was presented not by an authorised person, but by the 1st petitioner himself personally.

140. Therefore, there was no question of fact which remained to be examined by him. As a matter of law, he was precluded from reviewing the position having put up the notices Exhibits R. 27 and R 28. what is more, under sub-section 2 of Section 37 it is not open to a candidate who has withdrawn his candidature to cancel his withdrawal subsequently.

141. That is the *view* on facts and law set out by the 2nd respondent in his endorsement on the reverse of Ex. R. 8 (b) which I have already copied.

142. Hence, if he acted on that *view* of the law and facts, the highest that the petitioners could do is to argue that that *view* is wrong. I do not think it is open to construct a theory that because he dealt with Ex. R. 8 that way, he must necessarily be charged with having been inspired by special interest in the 1st respondent.

143. Next line of argument is that with a view to assist the 1st respondent, the 2nd respondent and deliberately departed from well-known provisions of law and the relevant Rules. As the matter appeared to me of some considerable importance from the point of view of the argument pressed on behalf of the petitioners, I requested Mr. Patil to give me a list of instances in which from time to time the 2nd respondent had made such deliberate departures from the law or the rules. He formulated four such instances.

144. The first of them is that though section 36 of the R P. Act prohibits adjournments of scrutiny procedings,

and the 2nd respondent had deliberately postponed or adjourned the scrutiny of papers relating to Shiggaon Constituency till 2-30 P.M. in the afternoon to enable the 1st respondent to come and subscribe to the affirmation which he had not done previously. It is further stated that while dealing with the alleged objections to the nomination paper of one of the candidates in Shirahatti and Kundgol, he had not reduced the objections to writing nor written out his order thereon. This, it is stated, is a disobedience of the law which requires that whenever objections are taken, the Returning Officer should hear the parties and determine them and make a written order accepting or rejecting the same.

145. Whether in the circumstances deposed to by the 2nd respondent he should have made a written record of the objections raised during the scrutiny of the papers of Shirahatti and Kundgol, is not a matter which, in my opinion, is of direct relevance of Shiggaon Constituency. The only manner in which the 2nd respondent is said to have assisted the 1st respondent is that on the pretext that there were objections to be examined in the case of Shirahatti and Kundgol, he had unnecessarily taken up time. If that was his objective, I think he could have spent more time by writing out long orders. Apart from that, there is no other point so far as the examination of Shirahatti and Kundgol papers is concerned.

146. The posting of the scrutiny of Shiggaon papers to the afternoon or as the third in the order of priority is described by Mr. Patil as an adjournment in contravention of sub section(5)of Section 36, which says that the Returning Officer shall hold the scrutiny on the date appointed and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by a riot or by violence or by causes beyond his control. The ordinary meaning of the provisions would be to compel or oblige the Officer to hold the scrutiny on the date specified therefore with a view to see that the calendar of events, which is set out by the Statute itself in Section 30, and

not left to be prescribed by anybody else, is not as far as possible disturbed. Further, the scrutiny dealt with by sub-section(5) of section 36 is obviously the scrutiny relating to a single Constituency. To say that when a Returning Officer has to deal with more Constituencies than one, he adjourns the proceedings for scrutiny of a certain Constituency by reason only of the fact that he takes up the scrutiny of the papers of that Constituency next after the scrutiny of the papers relating to another Constituency, would be to reduce the law to an absurdity. When the scrutiny is actually commenced, it may be that interruption thereof except for causes beyond the control of the officer as set out in the section may be an irregularity.

147. No such situation has arisen in this case. The 2nd respondent was the Returning Officer, as already stated, for three Constituencies. He had on the previous day *i.e.*, the 20th, made up a programme for scrutiny and posted it on his notice board. According to his evidence, he did so at about 12.00 NOON. There is no evidence on record nor even a suggestion made to any witness that the 2nd respondent knew or must be taken to have known even at 12 O'Clock on the 20th that the 1st respondent was expected to present his nomination paper that afternoon. Nor is there any evidence to show that on the 21st anybody on behalf of or in the interest of the 1st respondent requested the 2nd respondent to delay matters so as to enable the 1st respondent to come and subscribe to the affirmation. Indeed, the argument of Mr. Patil was, if anybody had made such a request or if the 2nd respondent himself in view of the non-arrival of the 1st respondent waited for him for some reasonable length of the time, he would not have charged the 2nd respondent with *mala fides*.

148. On the whole, it appears to me that except suspicions suggested without any real basis in evidence or proved circumstances, no inference of any *mala fides* is possible from the fixation of the programme of scrutiny by the 2nd respondent. In the absence of any acceptable

evidence it has to be taken that the settlement of the programme of scrutiny by the 2nd respondent especially when it had been done at time when he may not even be said to have been aware of the 1st respondent or anyone on his behalf thinking of presenting a nomination paper of his, must be regarded as natural conduct on his part.

149. The second instance of departure from the law stated by Mr. Patil was that in spite of the fact that subsection 2 of Section 53 says that the result of the election in the absence of contest, should be declared forthwith, the 2nd respondent had delayed the declaration under section 53(2) till the 23rd of January, instead of doing it on the 21st itself, when after the withdrawal of eight others, the 1st respondent alone remained in the field. The 2nd respondent was questioned on this point and he stated that according to his view of the law, the word 'forthwith' in Section 53(2) meant immediately after the expiry of the time fixed for withdrawal of nomination papers. The view of the law appears to be correct and Mr. Patil himself conceded that it was correct to wait till the last moment fixed for withdrawal of candidature before declaring the results. Even in cases where after withdrawals of candidature at an earlier point of time, only one candidate may be left, it is still open to that one candidate to withdraw. Hence, even according to the arguments on behalf of the petitioners, as subsequently corrected, there is no departure made by the 2nd respondent from any provision of law as understood by him. Even otherwise, it appears to me that it would have been more in the interest of the 1st respondent than otherwise, to publish the results on the 21st itself rather than to wait till 23rd. Apparently the point was given up because if pressed further, it would work against the argument rather than support it.

150. The third instance of departure from the rules has relation to allotment of election symbols. Now under Rule 10(1) of the Conduct of Elections Rules, allotment of a symbol becomes necessary only when a poll has to be taken. But, in this case, in the list of contesting candi-

dates Exhibits R. 29 and R. 30 the 2nd respondent, in the 3rd column thereof, has shown the Congress election symbol as the symbol allotted to the 1st respondent. In the course of the cross-examination of the 2nd respondent, it was elicited on behalf of the petitioners that he had not made any written order allotting the symbol to the 1st respondent before putting up Exhibits R. 29 and R. 30. If so, the entry in the relevant column of the list of a description of the election symbol would mean nothing more than the columns were filled in a routine way without any special attention having paid to the need or otherwise of allotment of a symbol, and the fact that he made no written order allotting the symbol shows that the 2nd respondent did not consider that the stage of allotment under Rule 10(4) of the Conduct of Elections Rules had arrived.

151. If this is all that has to be said on this matter, it would not have called for any further discussion. But, the 2nd respondent has been cross-examined at great length on this point especially in regard to two Exhibits R. 31 and R. 32. One of them is a telegram and the other a letter which confirms the telegram and states some more facts. Both were addressed by the President of the Mysore Pradesh Congress Committee to the 2nd respondent. The substance of the communications is that although G. C. Patil had been originally held out as an official candidate of the Congress at the Shiggaon Constituency, the Congress party had in supersession of that decision finally selected the 1st respondent as the official candidate of the Congress at Shiggaon. The communications are dated 21st January. The evidence of the 2nd respondent is that he received them on the following day the 22nd January. So far as the letter Ex. R. 31 itself is concerned, he says that it did not come to him by post, but was actually delivered to him in person. Pressed further to state or give the name of the messenger who brought it, he recollected his name and stated that he was a person called Nijaguli. The cross-examination was further pursued and an attempt was made to ascertain whether the letter had been entered in any register maintained in the office, and concluded with the

suggestion that the 2nd respondent had deliberately destroyed the cover in which the letter was received with a view to be able to say that the letter had been delivered to him personally and not sent by post.

152. If, as already stated, the position taken up on behalf of the petitioners is that no symbol at all need even be allotted because the election was an uncontested one, I fail to see any point in the subsequent cross-examination. Apparently the original idea of making a reference to the symbol in sub-paragraph (h) of a paragraph III of the petition was that the 1st respondent who had taken a fright for elections after his defeat at Hosadurga, was anxious to see whether in this constituency he can easily get returned uncontested. Because it so happened that the 1st respondent or his friends did not take sufficient care to present the papers and take all steps necessary in the good time, they have exposed themselves or their case to an argument of inferences and suggestions based on delay, possibilities of doing or not doing certain necessary things, etc. The 1st respondent was cross-examined at some length on the question whether he had the permission of the M.P.C.C. or the Central Parliamentary Board to change his Constituency having selected him as the official candidate for Bagalkot constituency. He, however, answered that although the Parliamentary Board is the final authority for settling the list of official candidates, he as the leader of the Mysore Congress Legislature party had the discretion in the company of the President of the M.P.C.C. to change the Constituencies. He was asked whether there was any evidence in support of this to which he replied that the same was a convention and the fact that they have so changed the Constituencies during all the last four General Elections was itself sufficient evidence of it. He also produced information about the changes in Constituencies gathered from the registers maintained by the M.P.C.C. and presented in a tabulated form (Exhibits R. 15 and R. 16).

153. Taken at the highest, any irregularity in the matter of getting himself substituted for another Congress

candidate already selected by the M.P.C.C. as their official candidates, would be a matter entirely for the party. The Returning Officer is not to any extent interested in it. The question would arise only in regard to the allotment of symbols reserved for multi-state parties. According to the conventions developed by the Election Commission, the multi-state parties are required to file with Chief Electoral Officer the final list of official candidates. They are permitted to have one more substitute candidate who is expected to withdraw if the nomination of the principal official candidate is accepted. If he does not, the party loses the benefit of the symbol reserved for it and the Returning Officer is free to decline to allot that symbol and leave the candidates a choice from other free symbols. It is also clear from the instructions issued by the Election Commission which appear in the 1966 Edition of the Handbook for Returning Officers at page 33, that the multi-state parties are permitted to change their selections provided that such changes are made before 3.00 P.M. of the last date for the withdrawal of candidature.

154. It follows, therefore, that even to the extent to which the Returning Officer may be interested as such Returning Officer in the selection of an official candidate by multi-state party like the Congress, the actual state of affairs in this case does not appear to constitute any such startling departure from the procedure or practice generally followed.

155. The fourth and the last instance of the alleged departure from the law is, permitting the first respondent to subscribe to his affirmation under Article 173 (*a*) of the Constitution on the 21st January 1967, a day after the presentation of his nomination paper. The Returning Officer was cross-examined on the legal position. It was elicited from him that he knew that the subscribing to affirmation is a qualification prescribed by the Constitution in its 173rd Article and that as a Returning Officer he had the duty of satisfying himself even at the presentation of the nomination paper that the persons sought to be nominated is *prima facie* qualified. On

these two answers a further suggestion was put to him that the affirmation to be proper and lawful or legally valid should have been subscribed to before or at any rate simultaneously with the presentation of the nomination. He did not accept this suggestion. He stated that according to his view of the law for which he derived support from sub-section (2) of section 36 of the Representation of the People Act it was sufficient that the affirmation was subscribed to before the relevant nomination paper is taken up for scrutiny.

156. The question whether this view of the law is correct, I shall consider at a later stage. For the present or at this stage the question is whether the second respondent knowing the law and being aware of the correct position of law has departed therefrom with a view to assist the first respondent.

157. Now, sub-section (2) of section 36 of the Representation of the People Act, 1951, as amended, states that the Returning Officer should reject a nomination paper if on the date fixed for scrutiny the person sought to be nominated is not qualified to fill a seat in an appropriate legislature according to any of the provisions therein mentioned including Article 173 of the Constitution. I may also add that the Election Commission in their Hand-Book of the Returning Officer mentioned above has given certain detailed instructions in regard to this matter which are found at pages 17 to 20 in the course of which they state at page 19 that the oath or affirmation should be made and subscribed, before the Returning Officer takes up the scrutiny of nomination papers at the election on the date fixed for scrutiny and also state that if the oath or affirmation is not made and subscribed before the scrutiny of a candidate's nomination paper the Returning Officer will have to hold that the said candidate is not qualified to stand for election.

158. In view of this it would be clear that, whether or not the legal position so stated is correct, the second respondent was acting on a certain view of the law which

seems to derive some support from the relevant instructions issued by the Election Commission themselves.

159. In that view it is impossible to argue that he had made any deliberate departure from a settled or known position of law with a view to assist the first respondent.

160. Apart from what has already been discussed the severest attack on the evidence of the second respondent and his *bona fides* was developed out of his report to the District Election Officer Exhibit R-37.

161. As already stated by me, Ex. R. 37 is the original of the letter sent to the District Election Officer. That paper had been summoned from the District Election Officer and was available in Court having been produced by him. Nevertheless the second respondent thought fit to produce an office copy thereof maintained by him which had still remained in his custody. That was produced and marked as Ex. R-37 (A). It happens that these two documents differ in one small particular. In paragraph 3 thereof there is a portion of the sentence reading " X X X when the scrutiny of three other candidates was going on X X X". In the original Exhibit R-37 the word 'three' is found scored off in ink but it has remained undisturbed in the copy Exhibit R 37 (A). But no questions were put to the second Respondent when he was in the box in spite of the fact that considerable time was occupied by his cross-examination relating to this matter, either seeking an explanation for this difference or making any suggestions to him based on or developed out of this apparent difference. Obviously for that reason there was no re-examination on this point by his own counsel. But in the course of arguments some point was sought to be made on behalf of the petitioners. I record that I refused permission to make any point out of this because it would be unfair to a witness to raise a point and argue against him, without seeking his explanation on a document which was available to the Counsel and which has been dealt with in detail in the course of cross-examination. It also appears to me that from the point of

view of the petitioners case the text of Exhibit R-37 (A) is perhaps better suited to the development of a theory than the text of Exhibit R-37 where the word 'three' stands scored out. However, I need not say anything on that matter because I have declined permission to address any arguments on this point.

162. As already stated, both Exhibit R-37 and Exhibit R-37 (A) were marked in the course of examination-in-chief. In the course of cross-examination the petitioners' Counsel took care to first obtain from the witness the answer,

"The facts stated in the letter are true to my knowledge."

As this answer was elicited from the witness when Exhibit R-37 (A) was put in his hands and not Exhibit R-37, I took care to make a note that the document shown to the witness was Exhibit R-37 (A).

163. I may now quote the first two sentence in para 3 of Exhibit R-37 (A) which were utilised in the course of cross-examination. They read.

> "There were 9 candidates for Shiggaon Constituency; when scrutiny of three other candidates was going on 21st January 1967, the Chief Minister came and he immediately took the affirmation and signed it. After this I proceeded with the scrutiny of other candidates and finishing it I took that of the Chief Minister, Shri S. Nijalingappa."

Reading out this sentence to the witness, he was asked, "I put it to you that this represents the true state of affairs?" His answer was, "That is not correct. What I meant is that the scrutiny of the three candidates was going on, but was not completed." Cross-examination of the witness was further pursued. The witness was not able to state the names of the three candidates mentioned in the sentence. It wase licited from him that normal procedure was to examine or scrutinise the papers according to their serial number. Witness then explained himself by stating, "The reference in the first two sentences of para 3 of Exhibit R-37 (A) is

to preliminary scrutiny of the papers before I took up the regular scrutiny in the presence of the candidates." It was next put to him whether by preliminary scrutiny he did not mean the examination of nomination paper upon presentation as contemplated by sub-section (4) of Section 33 of the Representation of the People Act. Obviously realising the difficulty into which he has landed himself he has expressed himself by explaining, "I used the words 'preliminary scrutiny' to indicate or to emphasise that the stage contemplated by Section 36 has not arrived". Some time later it was put to him that the sentences extracted above meant or gave the impression that the scrutiny of as many as 5 nomination papers had been completed and at the time the first respondent arrived there papers of three candidates excluding the first respondent. His answer was, "That is not what I meant."

164. Now, the value of this questioning is that in the course of his examination-in-chief the second respondent had stated that:

> "When the Candidates were looking into the papers, the first respondent came into my office."

G. C. Patil (R.W. 2) had earlier stated in his evidence that the first respondent entered the office when the Returning Officer was in the act of perusing the papers

165. The difficulty of reconciling this is obvious. When the evidence of G. C. Patil himself would make one think that the stage of inspection of documents by the candidates had passed and the Second respondent had started looking into the papers, which would mean the stage of Section 36 had commenced, the second respondent himself in his answer mentioned above had suggested in his chief examination that the papers had not reached his hands but that the inspection of the papers of the candidates was still in progress before the first respondent arrived. The two sentences in para 3 of Exhibit R-37 (A), although they did not mean according to the witness, what the cross-examining Counsel put to him, *viz.*, the papers of 5 candidates had already been scrutinized, he did say that what he

meant was that the scrutiny of the three candidates was going on but was not completed.

166. Now, the argument very strongly pressed on the basis of these apparently irreconcilable answers is that because the first respondent and his witnesses and the second respondent also had apparently acted on the view of the law that it was sufficient to take the affirmation at a point of time immediately proceeding the commencement of the scrutiny of his nomination paper, they became shaken in their view of the law by the express legal contentions raised and sought to be developed by the petitioners and that therefore both the second respondent as well as other witness for the first respondent were trying to wriggle out of the factual situation as described in the first two sentences of paragraph 3 of Exhibit R-37 (A). It was argued that whatever may be the value one may attach to the oral evidence now tendered before the Court, it was impossible for the second respondent to say that what is stated in Exhibit R-37 or Exhibit R-37 (A) is not accurate or that the true state of affairs or an accurate statement of the facts as they took place or the events as they occurred was not found in a statement like Exhibit R-37 (A) made very shortly after the events described and in the light of the certain allegedly inaccurate statements made in a news item in the Samyukta Karnataka of the 24th January.

167. Having arrived at this proposition, the next argument is that the second respondent has permitted himself to make a deliberately false statement when he said that the first respondent came into his office when the candidates were looking into the papers.

168. A distinction should now be made between the approach to be made by me to this matter for the purpose of recording a finding of fact as to the exact point of time when the first respondent subscribed to his affirmation and for assessing the value of the attacks made against the *bona fides* of the second respondent.

169. Now, from the point of view of the law or the legal contentions raised by the first petitioner, his case is that an affirmation under Article should be enterior in point of time to the nomination, while the case or the answer on behalf of the first respondent to this contention is that such is not the requirement of the law but that according to the amended clause (a) of sub-section (2) of Section 36 of the Representation of the People Act, 1951 the qualification under Article 173 or its existence or non-existence has to be ascertained as on the date fixed for the scrutiny. As, however, the nomination paper is liable to be rejected if the person nominated had not made on oath or affirmation as required by Article 173, the ultimate result according to the case on behalf of the first respondent is that when the Returning Officer takes up the nomination paper of a candidate for scrutiny, the candidate may ask him to administer the affirmation and then proceed to scrutinize the paper.

170. If such is the case of the first respondent in answer to the case pressed on behalf of the petitioners, it becomes clear that this is immaterial to the development of his case whether the affirmation is taken or administered before the scrutiny of any paper in Shiggaon Constituency is taken up or the affirmation or cath is taken or administered just before the nomination paper of the first respondent is taken up for surutiny. If such is the consequence of the legal stand taken up by or on behalf of the first respondent it may not be necessary for anyone, much less the second respondent to depart from what he has stated in the first two sentences of paragraph 3 of Exhibit R-37 (A) even for the purpose of supporting the case of the first respondent.

171. What G. C. Patil has said as to the point of time at which the first respondent had entered the office of respondent 2 is not to be taken into account for assessing the *bona-fides* of the second respondent. Second respondent's *bona-fides* are attacked on the ground that having taken a particular stand or having reduced to writing a statement of facts in Exhibit R-37 in one way he has tried

to depart from it in his evidence before Court with a view to assist the first respondent, without regard to the question whether his answers in Court were accurate or true.

172. One circumstance which has been conveniently ignored in developing this argument is that not only Exhibit R-37 but also Exhibit R-37 (A) were produced and marked and spoken to in the course of the examination in chief of the second respondent. Indeed, as I have already stated, it was quite unnecessary for the second respondent to have at all produced Exhibit R-37 (A) when at his instance or at the instance of the first respondent the original of Exhibit R-37 had been brought before court in answer to a summons issued to the District Election Officer. Nevertheless he had produced it and taken the risk of being cross-examined on the striking out of the word 'three'. Whether he was aware of it prior to the examination or not, he must certainly be expected to have looked into both Exhibit R-37 and Exhibit R-37 (A) when his Counsel put them into his hands for the purpose of marking them as exhibits. If he had failed to do so or if Exhibit R-37 had not been put to him in the course of his examination-in-chief and the cross-examining Counsel for the first time put it to him in the course of cross-examination the argument would have had better force. In answer to one of my questions as to whether in putting certain questions to contradict the witness he was not obliged to observe the conditions prescribed in section 145 of the Evidence Act, he claimed a right to be absolved of the restrictions of section 145 on the ground that the paper having marked in examination-in-chief and the witness having admitted that the document contains a true statement of facts it became a part of the chief examination of the witness and he was not obliged thereafter to comply with section 145 of the Evidence Act, but that it was up to the second respondent's Counsel to bring on record any explanation in the course of re-examination.

173. It would seem therefore that the contradiction is not between an answer given in examination-in-chief and

an answer elicited or forced from the witness in the course of the cross-examination.

174. What more, the entire basis for this very strongly pressed argument has been removed by the cross-examination itself. Two passages from the written statement of the second respondent were put to him and he was asked whether those statements were correct or not. The second respondent without any hesitation answered that the said statements were correct. Those statements are, the second sentence in sub-para (d) and the last sentence in sub-para (g) of para 1 of his written statement. To understand the context of the same it is necessary to quote the first two sentences of sub-para (d).

They are:

"1 (d): It is denied that the first respondent did not solemnly affirm in accordance with law before the second respondent. He did do so on 21st January 1967 before the scrutiny of his nomination paper for Shiggaon Constituency."

The last sentence in sub-para (g) reads as follows:

" 1 (g): When the nomination papers of Shiggaon Constituency were taken up for scrutiny and before the nomination paper of respondent 1 was taken up for scrutiny, he appeared and took the necessary oath as prescribed by law well in time and it was scrutinised and accepted."

175. It will be seen from these statements that they are entirely in accord with the position set out in Exhibit R-37 (A). What they mean actually in law is a different matter or what consequence it may lead to is a different matter. But, the essence of the matter is that both in the matter of filing his written statement as well as when he was closely cross-examined in the witness box the second respondent had not made any different version from what had already been stated in Exhibit R-37.

176. If indeed he had been put wise about the possible legal consequence of para 3 of Exhibit R-37 (A) he would not have been so unwise as to state in the course of his examination that the first respondent came in when the candidates were looking into the papers without qualifying or explaining it fully. The mere fact that he said that the sentences in para 3 of Exhibit R-37(A) did not mean what Mr. Patil read into them does not mean that the second respondent may be described as a person who says something in a report to a superior, meaning something else and comes to Court and deposes to a third meaning.

177. There appears to be some confusion in the mind of the second respondent as to the exact meaning of the scrutiny in section 36 and about there being or existing in law a stage which may be described as 'preliminary scrutiny'. If so, it is too much to suggest that he has such keen legal acumen as to realise the legal consequence of one fact as different from the legal consequence of another fact and then make up his mind to shape the facts to accord with the law as understood by him or with a legal position which in his opinion might support the case which the first respondent is pressing before this court.

178. I am therefore clearly of the opinion that whatever may be my finding as to the factual position or my opinion as to the legal consequence of the said facts, it is quite uncharitable to attack the second respondent's *bona fides* in the manner it has been done on the basis of the cross-examination on Exhibit R-37 (A) or to impute to a man not fully conversant with law a type of intellectual dishonesty which he appears to be incapable of in the state of his knowledge.

179. There is only one other matter to be considered under the topic of the *bona-fides* and *mala-fides* of the second respondent.

180. In publishing the contradiction or the clarificatory statement Ex. R-3 the second respondent had

deposed that he was moved by the fact of certain inaccurate statements in the news item Exhibits P-15 (a) and P-15 (b) in the Samyukta Karanataka of 24th January 1967. But, while writing to the District Election Officer about this matter in Exhibit R-37 he has stated :

> "These items in the newspapers of 23rd and 24th January 1967 are likely to throw reflection on me."

Because he has mentioned the date as 23rd also he was asked whether he had not read the news item in Vishala Karnataka of 23rd January 1967, Exhibit R-6. That issue, as already stated contains certain extracts from the speech said to have been delivered by the first petitioner in Durgada Bail on the night of 22nd January. It also contains a full translation in Kannada of the telegram Exhibit P-3. The witness denied having read that news. He explained that the date 23rd was a clerical mistake and that if one reads the earlier portion of his lett r, the reference to news items could only be to the news items which appeared in the issues of Samyukta Karnataka dated the 22nd and 24th January 1967. He was at once asked what was wrong or objectionable in the news item of 22nd. That issue is Exhibit R-2. The witness answered that the inaccuracy in the statement was or consisted in the impression created by the news item that the first respondent himself presented his nomination paper on the 20th January, whereas it was presented not by him but on his behalf by his proposer, H. A. Patil.

181. The argument based on these answers was that the witness having read the news item in Vishala Karnataka of 23rd January was falsely deposing that he had not read it. The argument in support of this suggestion is that if there was any provocation for publishing a contradiction or a clerificatory note like Exhibit R-38, such provocation may be said to arise naturally out of the more virulent statements made in Exhibit R-6 than what may be described as merely inaccurate statements in Exhibit R-2 and Exhibit P-15. The argument is statable. But the point of it is removed

by further cross-examination in which it was elicited from the second respondent that he considered Exhibits R-2 and P-15 contained not merely inaccurate statements but deliberate falsehood. The witness may possibly have read Exhibit R-6 after writing Exhibit R-37, but that is not sufficient to hold that he has uttered a falsehood when he said that it was not Ex. R-6 which persuaded him to publish a contradiction Exhibit R-38. Even assuming that at least out of curiosity a person in the position of the second respondent might have read the Vishala Karnataka of the 23rd some time subsequently, I do not think that he could add any strength to the case of the first respondent by deposing falsely that he has never read Ex. R-6. Even taken at the highest the case of the petitioners does not go the length of saying that the second respondent was trying to cover up some wrong or illegal act on his part by saying that he had not read the Vishala Karnataka of 23rd January. Indeed if one reads that news item, there is no attack against the second respondent at all. The attack in the news item, the attack in the speech of the first respondent is all against the first respondent and the attack in Exhibit P-3 is against Patil Puttappa.

182. I decline to place therefore any value on this suggestion that in stating that he had not read the issue of Vishala Karnataka of 23rd January the second respondent must be held to have uttered a lie trying thereby to add any strength to the case of the first respondent.

183. On a close and detailed examination of all the attacks made against the *bona fides* of the second respondent I feel satisfied that there is no substance in any one of them.

184. I therefore consider that it could be safe to proceed on the basis that on material particulars the evidence of the second respondent is substantially true.

185. I shall now proceed to examine the issues one by one.

186. The first issue has two parts.

The first part deals with the factum of the presentation of the first respondent's nomination paper and the second part with certain alleged infirmities.

187. On the first part, there is no direct evidence by or on behalf of the petitioners. A-11 that the first petitioner has to say is that the first respondent's case of having filed his nomination papers is false and that he says so because when he went at about 3-30 in the afternoon of 20th January to the Office of the Returning Officer he did not see the name of the first respondent there in the list. Some attempt was made on behalf of the second respondent to ascertain that list it was that the petitioner had seen on the 20th January. He was shown Exhibits R-9 and R-10, the English and Kannada versions of the list of validly nominated candidates dated the 21st January 1967. The first petitioner gave not quite clear answers. He pleaded his inability to read the English list. Regarding the list in Kannada he appeared to say that he had actually seen it, but tried later to tone down the answer. Even after I read out the transcript to him, he said that he had said something more than what had already been recorded. I therefore recorded that answer at the end. On the whole it is quite unsafe for me to draw an inference on the basis of these answers. Assuming therefore that the first petitioner had gone to the Office of the Returning Officer at about 3-30 P. M. on the 20th January, 1967 and that in a list that he saw on the notice board the name of the first respondent did not appear, the fact would be inconclusive and therefore incapable of yielding any firm inference one way or the other.

188 On the other side on behalf of the first respondent there is firstly the positive evidence of his own witnesses G. C. Patil and Hanumantlagouda A. Patil of the

presentation of the nomination paper. According to both of them, they were in the Office of the Returning Officer on the 20th at or about 2-30 in the afternoon and after attending to the preliminaries and incidental matters they presented the nomination before 3 O'clock. The positive evidence of the second respondent is also in favour of the first respondent having presented the nomination paper. I have already referred to the endorsement made by the second respondent Exhibit R-11(c) on the nomiation Exhibit R-11 to the effect that the same had been presented to him at 2.50 P. M. on the 20th January.

189. The reason why the first petitioner is not in a position to give any better evidence than what he has on this point appears to me to be that his entire case of a total absence of a nomination paper is all probability, an afterthought.

190. The first time he committed himself to writing was in Exhibit P-3 the telegram drafted for him by P.W. 2 Mr. Shettar. In that telegram while stating all that he had to say about his own withdrawal of his candidature he had omitted to make any reference to the case now strongly pressed on his behalf that the first respondent had not even filed any nomination paper. In the several references to this case in his petition I found some difficulty in deciding whether there was a positive statement of fact or positive averment of fact that there had not been any presentation at all or the case was one of late presentation especially in view of the statement in sub-para (g) of Paragraph III of what is described as the ushering in of the nomination paper by manoeuvres and manipulations. I therefore elicited from the Counsel at the time of framing the issue itself whether it was his case that a nomination paper had in fact not been presented and it was after receiving his answer in the affirmative that the first part of the first issue was framed in way it now appears.

191. The second occasion when the first petitioner committed himself to writing was in Exhibit R.8. Here

again, there is no reference to the absence of nomination paper of the first respondent. It has given additional legal colour even to the facts by describing it has fraudulent and making express reference to section 37 of the Representation of the People Act. Nevertheless there is no express reference to the question whether there was or was not a nomination paper actually presented on behalf of the first respondent.

192. It has been argued on behalf of the petitioner that both the telegrams were drafted by lawyers and that therefore I must hold that the lawyers refrained from making any reference to the nomination paper of the first respondent because the second respondent-Returning Officer having purported to accept the same the matter was out of his hands and that therefore there was no point in making him to do anything with reference to that or making a complaint to him in regard to that matter. The lawyers for the petitioner, so far as the evidence goes, cannot be said to have any direct information about the matter. They must have had information either from the first petitioner had no personal knowledge about the matter on his own showing. Therefore both the first petitioner as well as the lawyers must have acquired knowledge or information about facts from the newspapers. If the reference is to the issue of Samyuktha Karnataka of 22nd January 1967, the issue contained the information not only on the fact of there being a nomination paper of the first respondent but also of the completed withdrawal of the other candidates. If so, even from a legal point of view the question of withdrawal also must be taken to be beyond the hands of the second respondent, he having already accepted the same on the assumption that they are genuine and true. Hence even from the point of view of lawyers I do not think that there is an explanation for omitting to make mention of the case about the nomination paper adequate to explain away the respondent's argument that this part of the case is an after-thought.

193. Quite apart from the telegrams, the first petitioner has committed himself further by making a speech on the 22nd January and admitting with some reservations to which I shall refer later that the extracts from the speech published in Vishala Karnataka of the 23rd January, Exhibit R-6, are substantially true. In those extracts the attack is directly against the first respondent and the attack deals only with the withdrawals. If in addition to the alleged malpractice in the matter of getting the other candidates to withdraw their cadidature, the first respondent had not even filed a nomination paper, I do not think that the first petitioner would have failed to make a mention of it in his speech.

194. It is stated in the petition and also by the 1st petitioner in his evidence that when Mr. Shettar P. W. 2 went and saw the District Election Officer at Dharwar on the night of the 22nd January, the 1st petitioner also had gone and seen the said officer and told him of the facts. We do not know what facts he had stated. The 1st petitioner himself has not narrated in his evidence even the substance of the same. Even the fact of his having seen the offices appear to be open to doubt, because Mr. Shettar in his evidence merely states that he went and saw the Deputy Commissioner and that in the course of their conversation, he casually made mention of the telegram, Ex. P-3. His evidence would suggest that he alone went to the office. Hence there is no basis for any argument that the 1st petitioner had either seen the Deputy Commissioner of Dharwar on the 22nd or told him anything about his present case that the 1st respondent had not even presented his nomination paper.

195. In the course of cross-examination on behalf of the second respondent, a series of questions were put to him as to whether he had made any enquiries subsequently at the office of the Returning Officer or the Sub-Treasury about the 1st respondent's nomination paper or whether he had taken any certified copies of the papers said to have been filed by or on behalf of the 1st respondent, to

all of which he replied that whatever enquiries he might have made, they were not made with any of the officers of offices nor had he taken any steps to take out certified copies of the papers said to have been filed by or on behalf of the 1st respondent. In fact, his very general but categorical answer is—

> "In respect of any one of the matters mentioned above covered by the averments in the petition, I have not made any enquiries with any other officer either".

He no doubt tried to explain himself in his re-examination by standing that he refrained from going to the Returning Officer for fear that having already been once duped by him, it was highly likely that he might be drawn into further traps by the officer, an explanation which is very difficult, if not impossible, to accept.

196. In view of this, hardly any value can be attached to the specific averments made by the petitioner in his petition or to the vague evidence given by him that in a certain list which was put up on the Notice Board of the Returning Officer at about 3-30 P.M. on 20th January 1967, he did not see the name of the 1st respondent.

197. That even at the stage of evidence, the 1st petitioner did not have any clear idea of his case on this point is obvious from the various suggestions put to different witnesses examined for the 1st respondent in the course of the cross examination on behalf of the petitioners. It is suggested, for example, in the course of the cross-examination of G. C. Patil that on the afternoon of the 20th January Mahalingashetty received at his house in Hubli a telephonic message from the Personal Assistant of the 1st respondent from Hospet that there was difficulty in securing uncontested return from the Hadagali Constituency and that therefore attempts may be made in that direction at the Shiggaon Constituency. But when Mahalingashetty was in the box, the suggestion put to him was that discovering at the time of the presentation of the nomination paper

that there was not available a certified extract from the Electoral Roll from Chitradurga. Mahalingashetty went to Chitradurga to fetch one copy and that by the time he returned, time for presenting the nomination paper had already expired. When the 1st respondent was in the box, a question was put to him in the nature of suggestion on the basis of Entry No. 37 in Ex. R-14 (a page from the Register of Deposits and Receipts maintained by the sub-treasury, Shiggaon) that the 1st respondent himself must have personally presented his nomination paper for Kundagol Constituency. Apart from the fact that any such suggestion will be of little value in the absence of the writer of the Exhibit as a witness to explain what he meant by those entries, the suggestion that the 1st respondent himself presented the Kundagol nomination paper necessarily involves the suggestion that the 1st respondent had gone to the office of the 2nd respondent who was the Returning Officer for the Kundagol Constituency also and that therefore he might have himself presented his nomination paper for the Shiggaon Constituency as well. Indeed, in answer to a question by me that is what exactly Mr. Patil told me. According to his theory, the evidence of overtaking the 1st respondent's car before Haveri is a pretence and the 1st respondent himself must have gone direct to Shiggaon on the 20th to present his nomination paper. It is enough to say that this argument is wholly destructive of the express statement made in the petition that the 1st respondent had not gone to Shiggaon at all until the entire day of 20th January had expired.

198. In view of all these infirmities in the evidence or such as may be disiribed as evidence on behalf of the 1st petitioner, there appears to be no reason to discard the positive evidence of the 2nd respondent that the nomination paper Ex. R. 11 of the 1st respondent was presented or delivered to him on the 20th by H. A. Patil at 2-50 P. M., corroborated as it is by contemporaneous entry Ex R-11 (c), putting up of the notices Ex. R-21 and 22 and the despatch of the telegram Ex. R-44 by him to the District Election Officer.

199. The three infirmities set out in the second part of the issue are (1) the non-availability or non-production of the certified extract from the Chitradurga Electoral Roll, (2) non-payment of deposit under section 34 and (3) the alleged insufficiency in law of the affirmation under Article 173 of the Constitution.

200. Ex. R-12 the extract from the Chitradurga Electoral Roll was, according to the evidence of G. C. Patil, H. A. Patil and the 2nd respondent, delivered to the 2nd respondent along with Ex. R-11. But the case of the petitioners is that no such copy was ever produced. When such a copy was actually produced in court and marked through the 1st respondent and later shown to and proved by other witnesses also, the attempt was to make out that it was defective. The defects pointed out in the course of the cross-examination of the 1st respondent were that there were certain overwritings in the endorsement of the dates set out in the copy. The date of application, for example, appears to have been originally written as 1st July 1967 and lateracorrected as 7th January 1967 The date of delivery of the copy appears to have been originally written as 7th January 1967 but later corrected to 9th January 1967. When these overwritings were brought to the notice of the 1st respondent, he admitted that they appear to be overwritten. But when the 2nd respondent was asked the same question, he was quite clear in his mind and stated that he did not find anything suspicious about these overwritings. Apparently he has seen many of his clerks striking and writing over again. At any rate, his suspicion was not excited, and what is more, he stated that the fact of the same having been received along with Ex. R-11 is obvious from the endorsement made on Ex. R-12 that it was received on 20th January 1967. The endorsement is marked Ex. R-12 (c). Any doubt in this matter gets removed by the fact that on the two Court-fee labels affixed to the copy, the date has been clearly written as 7th January 1967.

201. Another line of argument pursued by Mr. Patil with regard to Ex. R-12 was that there was something

suspicious in the copy having been in the custody of Mahalingashetty when G. C. Patil and others went to him on 19th January 1967. The suspicion was sought to be heightened by the cross-examination. Mahalingashetty stated that one Aragavi Basappa had given it to him about 4 or 5 days before the 19th with the request to send it to the Personal Assistant of the 1st respondent, from whom he Aragavi Basappa had originally obtained the same to produce it along with an intended nomination paper in Bailhongal. The question whether and if so, in what manner, Mahalingashetty came into possession of this paper is really of no consequence whatever. What is material is that the paper was available and had in fact been presented to the 2nd respondent along with Ex. R-11. That such a paper did exist is clear. That it had been produced from the custody of the District Election Officer is beyond dispute. That the District Election Officer could not have had possession of it but for the fact that the Returning Officer under rules had sent it along with the election papers to him and that the Returning Officer would not have got into possession of it except as an accompaniment to Ex. R-11 is also clear.

22. The payment of deposit is spoken to both by H. A. Patil and by the 2nd respondent. Both of them state that it was paid in cash into the hands of the 2nd respondent. The difference between the two witnesses is that whereas the proposer H. A. Patil says that he handed over the money and the papers to the 2nd respondent probably simultaneously, the 2nd respondent is a little more specific and says that the money was paid to him immediately H. A. Patil came into his office and that was some time before the actual presentation of the paper Ex. R-11. I do not know whether the 2nd respondent is under the impression that the law requires that there must be a hiatus between the payment of money and the presentation of the nomination paper. If the rules permit a proposer or a candidate to make the deposit either in a treasury or in the Reserve Bank before the presentation of nomination paper to the Returning Officer or in cash directly into the hands of the

Returning Officer, I do not think there could be said to be any legal infirmity in a simultaneous presentation of money and papers. I am inclined to believe that that is what H. A. Patil did.

203. The 2nd respondent has deposed, that having received cash from H. A. Patil, he himself sent it to the Sub-treasury along with several other payments made to him by other candidates who had presented their nomination papers before him that day not only in regard to the Shiggaon Constituencies with which he was dealing. The relative challan is produced and marked Ex.R-25. The corresponding entry in Ex.R-14 was also shown to him and marked separately as Ex.R-14 (a). Here again, an attempt was made to contradict the 2nd respondent on the basis of a statement of his in Ex.R-37. That statement reads:—

> "Shri Nijalingappa's nomination paper was presented by his proposer H. A. Patil of Shiggaon on 20th January 1967 before 3 P. M., *i. e.*, at 2-50 P. M. after crediting the deposit in the Treasury."

This sentence was read out to the 2nd respondent and he was asked "Does this not mean that H. A. Patil himself credited the money and thereafter he presented the nomination paper to him"? The answer was "I did not mean it that way.". I do not think that it was at all possible for him to mean that way because where the law or the rule permits a party to choose between himself making a deposit at a Government treasury and payment of cash into the hands of a specified officer, there could be little doubt that that person will choose. The second alternative, because going to treasury, entering the challan, waiting at the counter, etc., is a time-consuming process which people would like to avoid if they could. Secondly, in Ex.R-25 about the genuineness of which no doubt whatever has been cast or even suggested, the 2nd respondent has not only signed it as the Returning Officer of Shiggaon but also described himself with the same official designation in the column meant for entering the name of the person making the deposit.

204. Certain questions were directed towards the possible or probable time at which the money reached the treasury. It is seen that Ex. R-11 was presented at 2-50 P.M. Money has to be deposited in a Government treasury before 3 P.M. An attempt was made to show that time was too short to make the deposit. The answer was that the said treasury is located in the same compound, if not the same building, as the Taluk Office. There could be no difficulty, especially when the money is sent by an officer like the Returning Officer, in the money reaching the treasury before 3 P.M.

205. Hence, neither in regard to the production of Ex. R-12 along with Ex. R-11 nor in regard to the fact of deposit having been made within time, is there any reason to discard the evidence of the 2nd Respondent.

206. There remains the question of the affirmation for purposes of Article 173.

207. The first point is the exact point of time when the affirmation was made. The second point is whether the requirements of law have been duly complied with.

208. On the first point, I have already stated every things while discussing the cross-examination of the 2nd respondent with reference to or on the basis of Ex. R-37-A.

209. So far as the oral evidence on the point is concerned, it is not of much assistance in fixing the point of time. Every one of the witness including the 1st respondent, merely gives an approximate time. He states that he arrived at the office of the Returning Officer at about 2-30 P.M. and that the people waiting there then told him that the scrutiny of the nomination papers of the Shiggaon Constituency had just been taken up. Manalingashetty would have us believe that it was he who rushed to the car of the last respondent and urged him to go into the oce ffi though the 1st respondent himself did not appear to be in

much hurry because he witnessed a guard of honour by the police. G. C. Patil states that at about 2-30 P.M., the Returning Officer sent for the candidates of the Shiggaon Constituency to be present at the scrutiny of the nomination papers of that Constituency. According to him, the 1st respondent arrived there when the 2nd respondent was in the act of perusing the papers. The answers of the 2nd respondent and their value in the light of Ex. R-37-A, I have already discussed.

210. In view of the difficulty so created by the conflicting or at any rate, not easily reconcilable oral evidence, it appears to me that the safest thing is to proceed on the basis that what is stated in Ex. R-37-A is probably nearest the actual position.

211. Even there, there is the difficulty created by what the 2nd respondent has described as preliminary scrutiny. Although he stated that by that he wanted to emphasise the fact that the stage contemplated by Section 36 had not yet arrived, I should hesitate to act on that answer because he did not appear to the quite sure about the legal position or quite clear about the operation of Section 36 of the Representation of the People Act or the exact legal meaning to be given go the word 'Scrutiny' there.

212. But, one thing may be taken as fully within the knowledge of the Returning Officer both on the basis of the section as well as on the basis of the Handbook of instructions issued by the Election Commission, and that is, he is bound in the first instance to give inspection of all the papers to all the candidates and then proceed to scrutinise paper by paper in serial order.

213. I therefore take it that the first thing that he did when he started the work of scrutinising the papers of Shiggaon Constituency was to invite the candidates to inspect the papers. It is highly unlikely that the candidates would have declined inspection or not looked into

papers at all. Therefore some time might have been taken by the inspection and some time thereafter by the Returning Officer for rearranging the papers.

214. When the Returning Officer in Ex. R-37-A says that the scrutiny of some papers was going on when the 1st respondent arrived, it cannot be said that he meant inspection by the candidates. It was his own act of looking into papers and his only purpose of looking into papers was the scrutiny under Section 36. If so, it becomes clear that the arrival of the 1st respondent in the office of the Returning Officer must have been some time subsequent to the actual commencement of the scrutiny by the Returning Officer, that is to say, after he took up the first paper for scrutiny with a view to make a decision to accept or reject it.

215. At the same time, it is clear that he had not taken up the nomination paper of the 1st respondent for such scrutiny before his arrival, because even according to Ex. R-37 the Returning Officer did scrutinise some nomination papers presented by candidates other than the 1st respondent after administering the affirmation to the 1st respondent. That is exactly what he has stated in the last sentence of sub-paragraph (g) of paragraph I of his written statement. That sentence was read out to him in the course of his cross-examination and he has destinctly stated that it states the correct position.

216. I therefore find that although the scrutiny of the nomination papers of the Shiggaon Constituency had commenced before the 1st respondent arrived at his office, he, the 2nd respondent, administered the affirmation to the 1st respondent before taking up the 1st respondent's nomination paper for scrutiny.

217. The legal position now to be discussed is whether the petitioners are right in their contention that the affirmation should have been subscribed to before or simultaneously with the presentation of the nomination paper

paper OR the 1st respondent is right in his contention that provisions of Article 173 *a* m y be said to have been fully complied with if he makes affirmation at a point of time just or even immediate y before the commencement of the scrutiny of his nomination paper.

218. The relevant portion of Article 173 reads :—

> "A person shall not be qual fied t> be chosen to fill a seat in the legislature of State unless he—
>
> (*a*) is a citizen of India, and m kes and subscribes before some pers n au horised in that behalf by the Election C mmissiou an oath or affirmation according to the form set out for the purpose in the Third Schedule."

The form is VII-A or VII-B, A being the form for use by a candidate before election and B by a member after election. Form VII-A reads as follows :—

> "I, A B., having been nominated as a candidate to fill a seat in the Legislative Assembly or Legislative C uncil, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the C nstitution of India as by law established and that I will uphold the sovereignty and integrity of India".

219. The person before whom oath or affirmation may be made has to be a person authorised by the Election Commission. On 2nd January 1965 the C mmission issued two Notifications specifying the person so authorised by him,—one in relation to parliament and the other in relation to State Legislatures. They consolidated both of them by a fresh Notification issued on 25th April 1967. In both the principal person authorised is the Returning Officer of the constituency in question. I set out below the full text of the Notification No. 3/130 65/2, dated 2nd January

1965, first issued in relation to election to State Legislatures:—

"In pusuance of clause (*a*) of Article 173 of the Constitution, and in supersession of its notification No. 3/150/63 2), dated the 15th November, 1963, the Election Commission hereby directs—

(*a*) that a candidate for election to the Legislature of a State by an assembly constituency or a council constituency, shall make and subscribe the oath or affirmation, according to the form set out for the purpose in the Third Schedule to the Constitution before the returning Officer or an Assistant Returning Officer for that constituency; and

(*b*) that a candidate for election to fill a seat or seats in the Legislative Council of a State by the members of the Legislative Assembly of the State, shall make and subscribe the said oath or affirmation before the Returning Officer or the Assistant Returning Officer for that election:

Provided that if any such candidate is at the time confined in a prison or under preventive detention, he may make and subscribe the said oath or affirmation before the Superintendent of the Prison or Commandant of the detention camp in which he is so confined or under such detention."

220. Now, two things follow from the form set out in the Third Schedule to the Constitution and the Notification of the Election Commission specifying the authorised person. According to the form, the occasion for taking affirmation is subsequent to nomination, because the form says 'having been nominated'. Unless a candidate is in prison or preventive detention, the only person before whom he can make affirmation is the Returning Officer of the Constituency from which he is a candidate for election to the State Legislature.

221. The next question for consideration is at what point of time a person can be said to have been nominated as a candidate. The relevant provisions are Sections 32 and 33. The former reads :—

"32. Nomination of Candidates For Election.—

Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of the Constitution and this Act or under the provisions of the Government of Union Territories Act, 1963, as the case may be."

The relevant portion of the latter reads :—

"33. Presentation of Nomination Paper and Requirements for a Valid Nomination.—

(1) on or before the date appointed under clause (a) of section 30 each candidate shall, either in person or by his proposer, between the hours of eleven o' clock in the forenoon and three o' clock in the afternoon deliver to the Returning Officer at the place specified in this behalf in the notice issued under section 31 a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer :

Provided that no nomination paper shall be delivered to the Returning Officer on a day which is a public holiday."

222. Now, the argument on behalf of the petitioners is that section 32 deals exhaustively with the question or topic of nomination and that section 33 deals with the ancillary topic of the presentation of a nomination paper. Nomination, according to this argument, is merely an act of naming by the proposer accepted by the person so named. In fact, even the acceptance does not seem to be quite essential for the purpose of the argument. It is stated that the moment a proposer signs his name in the form proposing

a certain person as a candidate for election from a constituency named therein, the nomination of the said person is complete for all purposes of the law. Hence, the nomination having been completed or the person having been nominated, he is bound to make affirmation before presenting the nomination paper. The reason in support of this argument is that the making of an affirmation is a positive qualification itself and that even before the Returning Officer receives a nomination paper, he must be *prima facie* satisfied that a person is qualified to be nominated.

223. The two further questions which arise for testing the acceptability or otherwise of the said argument are—

(1) Whether there could at all be a nomination before a nomination paper is presented to the Returning Officer,

and

(2) What is the date with reference to which the existence or otherwise or possession or otherwise of the qualification is to be ascertained.

224. The argument on behalf of the 1st respondent is that nomination is not mere naming but naming of a person in such a way as to enable him to stand as a candidate for election. Hence what is done under Section 32 is the preparation of a nomination paper for presentation and when the said paper is presented under section 33, the nomination is complete.

225. On the second proposition, the argument on behalf of the 1st respondent is that the amended clause (a) of sub-section (2) of Section 36 makes it clear that the date with reference to which the existence or otherwise of qualification is to be ascertained is the date fixed for the scrutiny of nomination papers. Sub-section (2) of section 36 reads as follows:—

"36 (2) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination and may,

either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:—

(*a*) that on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under any of the following provisions that may be applicable, namely:—

Articles 84, 102, 173 and 191, Part II of this act, and sections 4 and 14 of the Government of Union Territories Act, 1963.

OR

(*b*) that there has been a failure to comply with any of the provisions of section 33 or section 34; or

(*c*) that the signature of the candidate or the proposer on the nomination paper is not genuine."

226. There is another aspect of the matter which has also a bearing on the solution of this controversy. Under section 33, a nomination paper can be presented not merely by a candidate but also by a proposer. Hence, the presentation of a nomination paper by a proposer is a good presentation. It will therefore be open to a proposer to present a nomination paper during the last minute of the time fixed for presentation which is three O" Clock in the afternoon on a day not later than the seventh day from the date of of the notification calling for election.

227. Section 33 lays down the general condition of eligibility. It will be noticed that the said section refers only to the qualification of the person to be nominated. But when we come to section 33, what we have is that on or before the date appointed for the receipt of nomination papers, the candidate, either in person or by his proposer, between certain hours, may deliver to the Returning Officer a nomination paper completed in the prescribed

form and signed by the candidate and by an elector of the constituency as proposer. The preliminary examination which the Returning Officer is called upon to undertake before receiving nomination papers is set out in sub-section (4) of Section 33, according to which on the presentation of a nomination paper, he has to satisfy himself that the names and electoral roll numbers of the candidate and the proposer as entered in the nomination paper are the same as those entered in the electoral rolls.

228. The General or basic constitutional provision is that a person shall not be qualified to be chosen to fill a seat in a State Legislature unless he is a citizen and had made the necessary affirmation of allegiance. The question as to the point of time when a person may be so said to be chosen has been a matter of judicial examination and different views had been taken until settled by the Supreme Court. The amendment of clause (a) of sub-section (2) of Section 36 was apparently intended to put an end to the controversy.

229. Although the ultimate destination of candidate is a seat in the Legislature and it is for filling that seat that the Constitution requires that he should possess certain qualifications, the process whereby he reaches that seat proceeds in more stages than one. He has first to be nominated as a candidate; next his nomination paper must pass the scrutiny by the Returning Officer; next he must get elected at the poll if poll is necessary. Finally, his election should survive if an election petition is filed questioning the same.

230. So far as the scrutiny is concerned, the amended clause (a) of sub-section (2) of Section 36 now states that the scrutinising officer should reject a nomination paper if on the date of the scrutiny the candidate nominated does not possess the qualification under Article 173 and other legal provisions mentioned above.

231. In regard to election petitions, Section 100 in clause (a) of sub-section (1) thereof, empowers the High

Court to set aside an election if, in its opinion, the returned candidate was not qualified on the date of his election. The expression 'date of election' is defined in Section 67-A to be the date on which the candidate is declared by the Returning Officer as elected either under Section 53 or under Section 66, as the case may be.

232. In view of these express provisions of the statute regarding the date with reference to which the existence of qualification has to be ascertained, the statement in section. 32 that only a qualified person should be nominated as a candidate must be read as a general statement without reference to any date on which that qualification has to be possessed. But because the nomination under Section 32 is for the purpose of getting elected the candidate nominated, he must satisfy all the provisions of law, the compliance with which is necessary to secure a safe seat in the Legislature. That the ultimate object of all elections is due constitution of Legislatures which means Legislatures whose seats are occupied by qualified persons, is clear from the provisions of Article 327 which authorises Parliament to make by law provision with reference to all matters relating to or connected with elections including the preparation of electoral rolls, the delimitation of constituencies and all other matters necessary for securing the due constitution of Legislative bodies.

233. Hence the specification of time with reference to which the existence or otherwise of a qualification is to be ascertained in a law made by parliament pursuant to Article 327 must be read as supplemental to and not in a manner in derogation of Article 173.

234. Once that position is reached, it appears to me that so far as the powers of the Returning Officer to accept or reject nomination papers are concerned, he is bound to examine the existence or otherwise of qualifications under Article 173, only on the date fixed for the scrutiny of nomination papers.

235. Apart from the express language used in the said clause, as now amended, the provisions of Section 33 and the operation of the Election Commission's specification of authorised persons for the purpose of Article 173 *a*) make it difficult to accept the contention pressed on behalf of the petitioners.

236. If, as I have stated, Section 32 requires that the person to be nominated must be one who has necessary qualification but makes no mention of the date on which such qualification should be ascertained and if Section 33 permits a proposer to present a nomination paper right up to the last minute of the time fixed for the presentation of nomination papers, then it is clear that the law does insist upon the candidate to make affirmation before the presentation of the nomination paper. Excluding the cases covered by the proviso, *viz.*, the candidates in prison or under preventive detention, the normal rule is that the only officer who can administer oath or affirmation is the Returning Officer or the Assistant Returning Officer of the constituency for or in respect of which a person is nominated as a candidate. Hence the swearing officer and the officer to whom a nomination paper has to be delivered is the same. If a candidate has to make affirmation even before the presentation of his nomination paper, then, the provision authorising a proposer to present a nomination paper becomes nugatory.

237. I am also not impressed by the argument that nomination is complete the moment the proposer signs the nomination paper nominating a particular person as a candidate. Nomination as I have stated, is naming of a person as a candidate for election, and no one becomes a candidate for election until the nomination reaches the Returning Officer. Prior thereto, he is for the purposes of law described only as a prospective candidate, *i.e.*, a person who with election in prospect holds himself out as a candidate.

238. Although he need not therefore make affirmation before the actual presentation of the nomination paper he cannot postpone it indefinitely because he cannot stand for election unless his nomination paper is accepted as valid by the Returning Officer. The validity or invalidity of it is determined by the scrutiny under section 36 of the Representation of the People Act. Hence he should possess the qualification under Article 173 on the date fixed for scrutiny. Although the date fixed for scrutiny may extend up to the midnight of that day because his paper can be rejected on the ground that he had not made the affirmation, he is obliged to make the affirmation before the Returning Officer has the opportunity of rejecting his paper. No rejection is possible by him except after an examination of the paper and the existence or otherwise of the prescribed qualifications of the candidate. If therefore before the Officer takes up a candidate's nomination paper for scrutiny the candidate takes care first to ask him to administer affirmation to him, the officer by virtue of the authorisation under the Notification of the Election Commission is bound to comply with his request, and once the affirmation is completed, the candidate must be held to be qualified or at any rate not disqualified for lack of affirmation.

239. Another line of argument pursued by Mr. Patil on behalf of the petitioners on the basis of the ruling 10 E.L.R. 41 (RATTAN ANMOL SINGH v ATMA RAM) is that at the time of the scrutiny, all that a candidate is permitted to do is to adduce evidence on the question of the existence or otherwise of the qualification and not take steps to acquire that qualification if he did not possess that qualification at the time he was nominated.

240. The point considered there was the validity or invalidity of a nomination paper in which the proposer was illiterate and made a mark instead of writing out his name by way of signature. The said mark was not attested by any one. After examining all the provisions of the Act and the relevant rules, their Lordships held that in the absence of an attestation, the mark was ineffective and did

not answer the meaning which the statute assigned to the word "subscribing". Having held that way, their Lordships stated the second proportion, *viz.*, that the infirmity or irregularity was not capable of being cured by an attestation at the time of the scrutiny, in the following terms:—

> "The next question is whether the attestation can be completed by the persons concerned at the scrutiny stage. It must be accepted that no attempt was made at the presentation stage to satisfy the Returning Officer about the identity of these persons but evidence was led to show that this was attempted at the scrutiny stage. The Returning Officer denies this, but even if the identities could have been proved to his satisfaction at that stage it would have been too late because the attestation and the satisfaction must exist at the presentation and the satisfaction must exist at the presentation stage and a total omission of such an essential feature cannot be subsequently validated any more than the omission of the candidate to sign at all would have been. Section 36 is mandatory and enjoins the Returning Officer to refuse any nomination when there has been 'any failure to comply with any of the provisions of Section 33....'".

241. The above extract from the judgment of their Lordships makes it perfectly clear that they were dealing with clause (b) of sub-section (2) of Section 36. The compliance with the provisions of Sections 33 and 34 has obviously to be anterior in point of time or at any rate contemporaneous with the presentation. Section 34 dealing with deposits expressly states that a candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited the sum specified therein. Therefore, that is a provision of law which has got to be complied with for a valid nomination. He cannot be nominated at all unless he makes the deposit.

Section 33 refers to the necessity of signatures by the proposer and the candidate in a prescribed form. Obviously that is a matter to be attended to or observed before or at any rate at the time of the presentation. Above all, the amendment, which specifies the date for fixed for scrutiny as the relevant date, is limited to clause (a) of sub-section (2) of Section 36, and there is no reference to the dates in either of the clauses (b) and c). The reason is obvious. The dates for purposes of clauses (b) and (c) are capable of being ascertained by a reference to other sections of the Act. The date with reference to which the existence of a qualification has to be ascertained was a subject of difference of opinion and was settled by the Legislature amending clause (a).

242. Even with regard to the amendment, Mr. Patil suggested that the selection of the words 'the date fixed for the scrutiny' which are different from the words 'at the time of scrutiny' used in sub-section (5) of Section 33 must be regarded as indicative of some difference in meaning. Now, sub-section (5) of Section 33 states that where a copy of the electoral roll of a candidate who belongs to another constituency has not been produced along with the nomination paper, it may be produced before the Returning Officer at the time of scrutiny. It is therefore argued by Mr. Patil that the above interpretation which would reduce the expression 'the date fixed for the scrutiny' to 'at the time of scrutiny' may not be correct. The argument is subtle, but the difference in wording, in my opinion makes no difference to the legal position because although the date fixed for scrutiny may extend up to the midnight of the day, the affirmation must have been subscribed to at least before the scrutiny of particular candidate's paper is taken; otherwise it is liable to be rejected.

243. For all these reasons, I record the following finding on issue No. 1 :—

> The petitioners have failed to prove that the nomination paper of the 1st respondent had not been presented at the election in question. On the

contrary, the first respondent has proved that a nomination paper on his behalf had in fact been delivered to the 2nd respondent.

The petitioners have also failed to prove that the nomination paper of the 1st respondent is invalid or inoperative either because it was not accompanied by the relevant portion of the electoral roll in which the name of the 1st respondent appeared, or because the deposit required to be made under Section 34 of the Representation of the people Act had not been made in time or because the affirmation under Article 173(a) of the Constitution had not been made as required by the said Article.

244. Issues 3, 4 and 5 may be taken up together for consideration because the evidence relating to them is common and the finding on issue No. 2 will be consequential upon the finding on issues 3 and 4.

245. I have already summarised the evidence of P.Ws. 3, 4 5 and 6 bearing on these issues, and set out the main features of the petitioners' case sought to be developed on the basis of the said evidence.

246 The evidence, as already stated, falls into two convenient groups, P Ws 3 and 4 speaking to the first part of the transaction and P.Ws 5 and 6 to the second part thereon. I may also note at this stage that there is some similarity between the relationship between the witnesses in each group and their relation with the facts in issue. It will be remembered that P W. 4 Jafar was the only person said to have been sent for by the 2nd respondent Chaman Sab, his friend, happened to be with him at that time and went with him at the request of Jafar and not the 2nd respondent. It will also be seen that he seems to know far less about the elections than what little Jafar himself professes to know. Likewise, the 2nd petitioner–P W. 5, would not have been a witness at all but for the fact that

the 1st petitioner says that he declined to go with Patil Puttappa in the car without the 2nd petitioner also accompanying him.

247. The case sought to be made on the basis of this evidence is that Patil Puttappa having established contact with the 1st petitioner through Jafar tried in the first instance to persuade the 1st petitioner to withdraw his candidature, and later made greater efforts in the direction having taken the petitioners to the house of Hanumanthagouda Patil and ultimately succeeded in securing from the 1st petitioner, under threats his signatures to a printed form and two blank sheets of paper, and that the withdrawal Ex. P. 8 was not presented to the 2nd respondent by the 1st petitioner in person.

248. It will be noticed that the 2nd result of this alleged plan or plot would not have been possible of achievement without some active collaboration or complicity on the part of the 2nd respondent. It is necessary to bear this fact in mind while assessing the value of the evidence.

249. Mr. Patil, the learned counsel for the petitioners, has invited me to assess this evidence in two compartments and has stated it as his strongest argument that so far at any rate as the case of alleged bribery is concerned, to the extent it may be said to depend upon the inducement offered to the 1st petitioner at the road crossing by Patil Puttappa sitting in the car, there is hardly any challenge at all. According to him, so far as this part of the case is concerned, the evidence of Chaman Sab and Jafar Sab has not been shaken.

250. I find it a little difficult to accept the proposition that it will be a correct approach to make to the evidence to split it into parts. There can be no doubt whatever that the entire transaction was one and indivisible. The ultimate object achieved was the securing of the signatures of the 1st petitioner to a blank printed form and two blank

sheets. That, in the light of evidence, could not have been possible without first securing the presence of the 1st petitioner in the house of Hanumathgouda Patil. It would not have been possible to take the 1st petitioner to that house without first establishing contact with him. It would not have been possible to establish such contact without the intervention of Jafar because no other way of establishing such contact is suggested by any evidence or even by any suggestions made to any one of the witnesses. It appears to me, therefore, that any weakness or strength in part of the evidence is likely to reflect itself on the strength of weakness in the other part of the evidence.

251. The argument of Mr. Patil that the evidence of Chaman Sab and Jafar has not been challenged at all or has remained unshaken at least in some part, appears to me to pitch the claims of the petitioner a little too high. The respondents in their cross examination have tried to make that having regard to proved relationship of these witnesses out with the 1st petitioner and their knowledge of the details of the election in respect of which they are deposing as witnesses, their evidence is not of a type which can receive ready acceptance at the hands of the Court.

252. Both the witnesses Chaman Sab and Jafar have admitted that they have had not any previous contact or acquaintance with the 2nd respondent nor have they had any occasion to see him in his official capacity of otherwise. This probabilises to a great extent the evidence of the 2nd respondent that he never knew these two persons. Chaman Sab has plainly admitted that he is not well-to-do man, but one interested in cultivating land taken on lease from somebody else and that he had never interested himself in politics of elections. Indeed, but for the fact that he happened to be in the company of Jafar when Bhudusab came to invite the latter, he would not have had perhaps any occasion to witness any facts relevant to this enquiry or to figure as a witness in this trial. Although, the 1st petitioner in his evidence stated that Jafar was a man of some importance in the locality and that he was one of the

persons who had sponsored his candidature. Jafar himself was more modest and said that he is a man of small importance and he was not one of the more important persons and even among Muslim there are persons who are far more important than himself. Both Chaman Sab and Jafar stated that except that they are residents of the same locality as the one in which the 1st petitioner resides, *viz.*, a street called 'Khajekanavar Galli,' they have no particular intimacy with the 1st petitioner nor were they acquainted with all the details of his affairs.

253. Now the question arises why and on what basis or with what expectations the 2nd respondent could have thought of Jafar to be sent for. If, as already stated, there is nothing to indicate that he had ever known Jafar, the clear probability is that he must have informed himself about Jafar through sombody else. Who that somebody is, it is impossible to gather from the evidence. Jafar himself, it may be remembered, was a little surprised when Ghudusab came to him and said that the Prant Officer wanted to see him. Indeed he asked him a question as to why he was required by the Officer. Ghdusab was not in a position to give a satisfactory reply or any reply at all to this question, If so, Ghudusab was perhaps not the person whom the 2nd respondent may be said to have taken into his confidence for informing himself about the utility of sending for Jafar.

254. It has been argued on behalf of the petitioners that because what was being thought of was not a matter or conduct quite above the board, the probabilites are that men of little or no importance like Jafar would be pitched upon for the purpose. Nevertheless, because it was according to the argument not a matter which could be done openly, it would also be a matter which the persons concerned would be interested in keeping away from the view of the public. If so, they would select a person already known to them and whom may be trusted not to divulge whatever part he had, at their instance, taken in the matter. If so, such trustworthy person to be selected

would have been Ghudusab himself. There is nothing to show why Ghudusab could not have been utilised for establishing contact with the 1st petitioner. It should be remembered in this connection that even according to the arrgument of Mr. Patil, in the first instance even Patil Puttappa could not be credited with an intention to exercise pressure or even to entertain an expectation of his having to exercise pressure With reference to the 2nd respondent the argument was that he was approached by Patil Puttapa for no other purpose than to put him in contact with the 1st petitioner. All this makes it more acceptable to postulate that the best man for the purpose would have been Bhudusab. There is no reason why he was not so selected.

255. There is then the next part of their evidence in which the pointed reference is to the respondent trying to prevail upon Jafar to persuade the 1st petitioner to withdraw his candidature. As I have already stated this part of the evidence was not relied upon even by Mr. Patil. I have also stated why the probabilities are against accepting that evidence. If, so, the 1st link on the basis of which some complicity on the part of the 2nd respondent could have been suggested gets removed.

256. We may not take another important portion of the evidence of these two witnesses, and that is what they say happened at the office of the 2nd respondent on the afternoon of the 21st January. Both of them had gone there, according to their evidence, to see the 1st respondent who was expected to come there. They also state that like them several other persons had gathered at that place to have a look at the 1st respondent. It is then and on that occasion that they say that the 1st respondent sent for them and told them in the presence of the 2nd respondent, Patil Puttappa and Mahalinga Shetty that all that had been promised by Patil Puttappa would be given effect to. It is also their further evidence that the 1st respondent was anxious that they should go and pass on this information to the 1st petitioner.

257. The 2nd respondent has denied the truth of this part of the evidence. There is also some difficulty in believing that the 1st respondent would be so unwise as to create evidence against him. If the case of the 1st petitioner is true, he must have resorted to a corrupt practice with the assistance of Patil Puttappa It is too much to believe that a a candidate in an election who has been a party to the corrupt practice would be a party to a proceeding in which evidence of that corrupt practice will be clearly made available to others.

258. Another aspect of this evidence is that the alleged request by the 1st respondent that these witnesses should go and inform the 1st petitioner that the promises of Patil-Puttappa will be kept, clearly suggests that the 1st petitioner was free and was accessible to them. That is directly in conflict with the positive case of the petitioners that they were in confinement in the house of a Hanumanthigouda Patil from the night of 20th till the small hours of the morning of the 22nd.

259. But what is worse is the further support given to this theory by the witnesses themselves. Chaman Sab said:

> "Then we went to the house of the 1st petitioner and passed on this information to him."

But he corrected himself by saying that the 1st petitioner's mother told him that the 1st petitioner was not in his house. The 2nd answer in correction of the 1st was elicited by a question on behalf of the petitioner:

> "Was he at home? What happened after you went to his house?"

Jafar who was examined later are careful enough to say that when at the request of the 1st respondent he went to the house of the 1st petitioner on the night of 21st, he

did not find him there nor did he meet him after several days thereafter. But in the cross-examination he stated:

> "When on the 2nd day I went to the first petitioner's house, his mother told me that he had taken his food and gone out."

260. Mr. Patil did realise that this was a serious weakness in the evidence of these witnesses. He, however, explained that what the mother of the 1st petitioner is said to have told Chaman Sab and Jafar need not necessarily be regarded as indicating that the 1st petitioner had taken his food in his own house on the night of the 21st. It may be, according to the argument, that he had taken food just before he left on the night of the 20th to go to the shop of his friend the 2nd petitioner. But, in the context of things, it appears to me that the explanation is a little far fetched. The 1st petitioner himself when questioned about this did not say anything more than that his mother might have said so.

261. If, therefore, in the matter of two important features of the case spoken to by these witnesses, their evidence is either destructive of the other case of the petitioner or has not been case of the petitioner or has not been relied upon at all by the petitioner indicating that the witnesses have gone beyond his contemplation in stating his case. It would require considerable persuasion before I can accept the rest of their evidence as reliable.

262. Coming to the next part of the transaction, the evidence being purely oral, a Court would prefer to look for something firmly way of a statement or by way of a piece of conduct on the part of the petitioners which may be relied upon or utilised as a test of the credibility of the oral evidence. There are in this case some such circumstances placed on record and relied upon by the petitioners themselves which may be regarded as fairly safe tests of their evidence. They are the telegrams Exhibits from the

speech said to have been made by the 1st petitioner in Durgada Bail published in Ex. R. 6.

263. I have already had occasion to refer to them while dealing with the 1st issue. While examining them for the present purpose, it is necessary to state that the central feature of this part of the case is the alleged confinement of the petitioners in the house of Hanumanthagouda Patil which totally contradicts the case for the respondents that the withdrawal had been presented to the 2nd respondent personally by the 1st petitioner.

264. There is no mention in Ex. P.3 of any such confinement from the 20th to the 22nd of January. There are no doubt two facts expressly stated, *viz.* that the signature of the 1st petitioner was taken in the house of Hanumanthagouda Patil and that he the 1st petitioner himself had not presented the withdrawal notice. It may be and has been suggested that these two facts expressly stated in Ex. P. 3 necessarily imply that there must have been confinement and that the said confinement must be in the house of Hanumanthagouda Patil. The suggestion looks attractive, but it is necessary to remind ourselves that in actual effect this reverses the process of reasoning. The implication suggested, suggests itself to the mind of any one only in the light of the oral evidence given in Court. But the proper thing to do is not to read Ex. P. 3 in the light of the evidence now tendered in Court, but to test the evidence in the light of Ex. P. 3 which is the earliest statement made by the 1st petitioner after the happening of the events in question. If, therefore, one totally excludes the oral evidence from his mind. I do not think it will be possible to say or assert that any reasonble or firm firm inference of a confinement can be read by implication in Ex. P. 3.

265. Ex. R. 8 also makes no mention of confinement despite the fact that it was sent after further consideration and further legal consultation.

266. The second important link, as I said, *viz*, the inevitability of the complicity of the 2nd respondent to achieve the 2nd result is also not found suggested or stated in either Ex P. 3 of Ex. R 8. Ex. P. 3 itself contains not even words or expressions which might even remotely be regarded as charging the 2nd respondent with complicity in the matter. Ex. R. 8 uses the word 'fraud'. But, as already stated, fraudulent conduct is imputed to others and not to the 2nd respondent, and the said word has been chosen by a lawyer after receiving instructions on facts from his client the 1st petitioner. Fraud' has a definite meaning in law which totally excludes the idea of either threats or confinement. Distinguishing feature of fraud is that it is a type of deception completely free from any force, threat or even suggestion of force or threat.

267. Coming now to the speech, there are clear and clearly formulated attacks made against the 1st respondent. One of them is that he had secretly come to Sulegaon and camped there for one whole day to secure the withdrawal of nominations and that he did succeed in that matter. The other is that he had taken the 1st petitioner secretly in a car and he had been obliged to withdraw his candidature as a result of great pressure and threats ( ) In the earlier part of his cross examination, he had made an unequivocal admission that the extracts were substantially correct. But later he corrected himself by stating that the exercise of pressure mentioned should have been described as pressure exercised through Patil Puttappa and that the causing of the withdrawals must have been described as having been so caused through the 2nd respondent. Nevertheless the brunt of the attack or the direct attack is against the 1st respondent himself. Although, therefore, charges of a sufficiently serious nature have been stated in the speech, the speech or at any rate the report of the speech, not to any extent amplified by oral evidence, is singularly devoid of any reference to the confinement in the house of Hanumanthagouda Patil. Dealing with another argument relating to the conduct of the petitioners after their alleged release, Mr. Patil stated

that the state of mind of these young men was one in which they actually felt their blood boiling and that was brought about by the unlawful detention in the house of Hanumanthagouda Patil. If indeed there had been such confinement. I quite agree that people in the position of the petitioners would find their blood boiling. If so, one may ask why did not the pent up emotions find a vent when the 1st petitioner made the speech in Durgad. Bail describing the details of this detention, that prevented the petitioners from telling the public what they have to depose in the witness box. It should be remembered that the evidence is that they were standing on the fringe of the crowd and somebody recognising the 1st petitioner, wanted him to relate all the details of the events that had happened in connection with the elections at Shiggaon. The petitioner himself had no idea originally of making a speech, but it is this enthusiastic request made by a part of the audience that had the physical effect of moving the 1st petitioner towards the rostrum and the emotional effect of his actually making a speech; if really he was confined in the house of Hanumanth gouda Patil he should have narrated the fact of actual confinement in the said speech. If such were the position, the most natural conduct of his part was to describe all these things in detail. In the said speech, he even forgot to mention the name of Patil Puttappa who has been specifically charged in Ex. P. 3 sent that evening.

268. Against this background it becomes a little difficult to accept the case of actual confinement.

269. Another line of scrutiny is on the basis of the conduct of the petitioners immediately after their release. Before doing so, I should first make reference to cartain features peculiar to the evidence of the 2nd petitioner Joshi.

270. As I have already stated he has given a more detailed and graphic description of the events than the 1st petitioner himself. In describing the conversation between

Patil Puttappa and the 1st petitioner relating to the attempts at inducements, the 2nd petitioner said that in the course of conversation, the 1st petitioner asked Patil Puttappa the specifics question as to why and for whose benefit he should withdraw his nomination, added that Patil Puttappa's reply that it was for the sake of the 1st respondent because according to him, the 1st respondent had not filed his nomination paper at all. Now this very question and answer and the sequence of surprise has been spoken to by three witnesses already, P. Ws. 3, 4 and the 1st petitioner himself as P W. 6, and according to their evidence this happened at the road crossing. If so, one may ask why the petitioner once again should repeat that question, Mr. Patil stated that because Patil Puttappa was persisting in his same request, it may not be quite unnatural on the part of the petitioner to repeat that question, may be so, But, how could he be surprised for a second time?

271. Another detail given by Joshi is that when this persuation, threats, etc., mounted to a crescendo, the 1st petitioner felt something like a fainting fit and actually reclined against a pillow next to the wall. But the 1st petitioner himself has nothing to say about this.

272. It may be that when two witnesses speak to the same happening they connot be expected to speak with absolute identity of description. Observation of different people situated at different points may be different. Their reaction may be different. But this a case in which no such difference between the two petitioners can at all be postulated. Both of them were of the same opinion in regard to the candidature of the 1st petitioner. Both of them were equally unwilling to accept the request or submit to the pressure of Patil Puttappa to withdraw the nomination. They are good friends and deeply interested in each other. Further, the actual fainting fit is a matter suffered by the 1st petitioner himself and, in the context, a matter of considerable importance. One may, therefore, ask how he could at all omit to make mention of it in the witness box where he had no other object then placing before the Court full details of his case.

273. In this connection one of the answers given by P. W. 2 Shettar assumes some significance. He said:

> "The actual narration of the details to me before I drafted the telegram Ex. P. 3 was by the 1st petitioner. The 2nd petitioner was sitting. The 2nd petitioner gave me only hearsay information, *i.e.*, what he had heard from the 1st petitioner.
>
> Q. He did not have any personal knowledge of the events?
>
> A. He gave me only hear say information."

If the answers have to be taken at their natural meaning, there cannot be the slightest doubt that the impression of Shettar was that Joshi knew nothing personally except what the 1st petitioner had already told him. He was, however, re-examined on this matter and telegram Ex. P. 3 was put into his hands which says that the signature signature of the 1st petitioner to the blank form was taken in the presence of G. V. Joshi. Mr. Shettar explained:

> "My answer to the cross-examining counsel was in general terms. I did not speak with specific reference to this statement."

Mr. Patil in the course of the arguments amplified this explanation and said that the events narrated by the 1st petitioner related partly to the case of confinement and pressure and partly to other details of the case and that as to the later Joshi could give only hearsay information. Now, apart from the details of persuation, confinement, etc., there was hardly anything else for the 1st petitioner to state before Shettar. Even before me in Court he has not stated any details besides the details relating to this case, except the filling of his nomination and his assertion that the 1st respondent's case of having filed his nomination is false. Further, the one reason, according to the evidence of both the petitioners which took them to Mr Shettar for legal assistance, was the discovery upon reading Samyukta Karnataka of the 22nd that the signatures to a blank

form and two sheets of paper taken from the 1st petitioner must have been utilised to the serious detriment of the 1st petitioner. Therefore, the only details which the petitioners had to narrate and to discuss with Mr. Shettar, were the details of this case of confinement and pressure. If so, the entire evidence of Joshi becomes difficult of acceptance. Whatever, may be the opinion of a lay man, no lawyer can be said to be ignorant of the meaning which the word 'hearsay' has in the law of evidence. So that there might not be any doubt in that regard, he has himself explained what he meant by that word, and stated that what the 2nd petitioner told him was what he had already heard from the 1st petitioner.

274. Assuming for the moment that the above answer of Mr. Shettar may not be clearly or fully descriptive of what the 2nd petitioner have told him, there is another piece of conduct on his part which is of considerable significance.

275. I have already stated that whereas the 1st petitioner slept on the 20th night, the 2nd petitioner Joshi could not get sleep, according to his evidedce, and that somewhere about mid-night he made an unsuccessful attempt to escape. One might ask the question why he wanted to escape? What made him to entertain that desire and with what object to thought of escaping? It would have been better if this matter had been clarified in the course of the cross-examination. But, even in the absence of such questions, it appears to me that only one answer is possible to all these questions: Joshi and the 1st petitioner are good friends. According to the evidence of Joshi, he was deeply interested in the 1st petitioner geting elected and in the light of his evidence he cannot deny that what happened at the house of Hanumanthagouda Patil was an event of considerable importance from the point of view of the 1st petitioner's candidature at the election. He has also further deposed that he preferred to remain in the company of the 1st petitioner right up to 25th in Hubli because they were friends and he did not like the idea of leaving him alone. If such were his own feeling and his feelings towards

his friend, his object in escaping could not possibly be limited to securing his own freedom. It would have been with the idea of fetching assistance, first to release the 1st petitioner and then to prevent whatever action might be taken on the basis of those signatures to the detriment of the election prospects of the 1st petitioner.

276. This takes me to the examination of the conduct of both the petitioners immediately after their release.

277. If what I have stated above to be the motives of Joshi in making an attempt to escape is correct, there can be little doubt that immediately after their release, the one and the only advise which he would have tendered to his friend the 1st petitioner, was to go at once into Shiggaon, contact the frieds of the 1st petitioners and go to the 2nd respondent and apprise him of all that had happened.

278. It is not as if that the 1st petitioner was totally without help in Shiggaon. His own evidence is that he had been put up as a candidate at the election after a meeting of important members of the muslim Jamaat of Shiggaon, held on or about 14th January 1967. He has narrated the names of several important muslims of the locality. If so, I do not see why he should have simply gone away to Hubli and placed in jeopardy his prospects at the election, denying himself all the assistance which he could have obtained in Shiggaon itself. Much of the cross examination of most of the witnesses of the 1st respondent was directed towards making out that the percentage of muslim voters in the Shiggaon Constituency was considerable and not negligible or which could be totally left out of acccount. Suggestion obviously was that muslim voters did have what may be regarded as almost a decisive voice, had the election gone to poll.

279. But, both the witnesses say that they felt so deeply ashamed of themselves that they did not even like the idea of showing their faces to their friends in Shiggaon. The 1st petitioner was asked the question what mistake he

had committed to so feel ashamed of himself, the suggestion in the question being no man need be ashamed of anything done by some other person But, it may be that man's vanity is such that if he is duped by another person, he would like to conceal the fact for fear that he may be recognized as a less intelligent or more foolish man. This idea perhaps was at the back of the mind of the 1st petitioner when he said that people might laugh at him if they found that he quietly got into the car, when invited by Patil Puttappa and got duped in this matter. But it is doubtful whether such was his mental reaction or such could be regarded as having been his mental re-action at that time, because it is the same 1st petitioner who on the same night felt elated and not ashmed to make a public speech detailng all the ravage done to his prospects and injustice done to him. If he was willing to narrate all these details to a large audience, the majority of whom were not known to him, one may ask what shame he could feel to go to his own friends and supporters in Shiggaon especially when the adopting of the latter course would have had the additional advantage of saving his election against machinations of Puttappa as alleged and preventing the Returning Officer from getting deceived by Puttappa or others. That such would have been more natural conduct on his part, is clear from one of his answers that he was determined to contest the election even if it meant his securing a single vote.

280. The 1st petitioner was also asked why he did not keep his parents and wife informed about his absence, away to Hubli. He stated that on or about the 23rd, he had sent a telegram to one of his friends to inform his parents of his whereabouts. Various questions put to him and answers elicited in that regard are relied upon for the 1st respondent to show that the said statements may not be true or ought not to be believed. Apart from the questions and answers or manner in which the answers were given, there are two other circumstances which are of greater assistance to a Court. The 1st petitioner stated that there was really not any special cause for his parents or his wife to get anxious

because he used very often to go away to Hubli without informing his people at home. He also stated that he would not have sent the above telegram to his friend at all, but for the fact that a certain news item had appeared in one of the Kannada papers to the effect that he had been secretly conveyed in a car and that therefore he thought that his father might get anxious about it. Now this news item is no other than the extract from the speech which appeared in the Vishala Karnataka of 23rd January, and whoever reads that news item cannot but be convinced that the 1st petitioner was hale and hearty and was making a speech. How that could cause anything but pleasure to a father, it is difficult to understand, and the telegram, according to the evidence was sent in the afternoon of the 23rd. I do not believe, therefore, that the petitioner would have sent a telegram to any friend to inform his parents.

281. If so, the conduct of the parents in not taking any action in the matter either by way of informing the police or securing the assistance of their friends to discover where their son was, is a serious weakness in the petitioners' case of a confinement extending beyond two nights and a day.

282. Apart from the reaction of the parents, the position should also be examined with reference to what had happened or what can be expected to have happened at the office of the Returning Officer on the date of scrutiny the 21st of January 1967.

283. It is the uniform evidence of all witnesses that there was a fairly large crowd gathered at the office of the Returning Officer on the day of scrutiny. The crowd also included all the candidates of all the three Constituences. It is also quite natural to say that whatever a candidate at an election may or may not do, he may be expected to be present at the time of the scrutiny, unless of course there are any special reasons either of illness or of over-confidence on his part which prevented him from being present. The case of the petitioners is, to put it in simple English, one of

a very bold kidnapping of a candidate at election on a day immediately preceding the day fixed for scrutiny of nomination papers. Absence of a candidate in such circumstances is not a matter which I think could have escaped the notice of everybody. In Shiggaon Contituency itself, there were as many as seven other candidates excluding the 1st petitioner. Out of them except G. C. Patil and B. B. Mamle Desai, others were not Congressmen, and no one has suggested that they can be regarded as having made common cause with the 1st respondent or more accurately Patil Puttappa. The 1st petitioner has no doubt stated in his evidence that he had some suspicion about these candidates also having made common cause in the manner aforesaid, and that he had refrained from impleading them as respondents because his suspicion remained merely as a suspicion and not such a certainty as in the case of the 2nd respondent. The evidence of the 2nd respondent is that the 1st petitioner was personally present and that he had made a record to that effect in Ex. P 8. If so, the absence of the 1st petitioner could not possibly have escaped the notice of other candidates. I am unable to accept the suggestion made in the course of the argument that even the candidates have been merely told that the 1st petitioner had withdrawn and they were hustled out of their room leaving them no occasion to verify whether the withdrawal was by personal presentation or presentation through an authorised proposer.

284. If so much can be stated as to the possible turn of events or state of affairs at the Returning Officer's Office on that day, the absence of the 1st petitioner would have led to immediate circulation of the news not only among the crowd there, but also in other parts of the town as well. There is no evidence of any such circulation of the news.

285. The first occasion, according to the evidence, for such news to come to Shiggaon is what has been elicited from Hanumanthagouda Patil that the news of the speech made by the 1st petitioner reached him in the way rumours reach people sometime later about 15 days after the speech.

286. In the circumstances stated above, the making of a record of actual presence of the 1st petitioner by the 2nd respondent, if it were a false record, calls for considerable courage and daring on the part of the Officer. Ordinarily no Officer would dare to make such a record. record especially in relation to an election in the presence of people interested in the election or interested in one or other of the candidates at the election.

287 Such being the difficulty caused by intrinsic improbabilities in the evidence tendered on behalf of the petitioners, the long cross-examination of respondents witnesses and various suggestions put to them really pale into insignificance.

288. Because none of the witnesses for the respondent have stated anything which would even remotely suggest that they might be competent witnesses to speak to most of the facts, the cross-examination could only be by way of suggestions or eliciting circumstances which might probabilise the case of the petitioners.

289. For example, the going to the house of Hanumanthagouda Patil by the 1st respondent, the candidates and other persons about 40 or 50 in number for lunch, tiffin, etc., and the alleged making of a short speech by G. C. Patil at that place, have all been challenged as false by way of suggestions in the course of cross-examination. Suggestions have all been denied. Nevertheless it has been argued that the happenings at Hanumanthagouda Patil's house on the evening of the 21st are as much a pretence as the overtaking of the 1st respondent's car near Haveri. It is stated that this story of events in the house of Hanumanthagouda Patil has been deliberately concocted with a view to contradict or improbabilise the case of the petitioners that they were at that moment in actual confinement in the house of Hanumanthagouda Patil.

290. There is no way of answering this contention or dealing with it except on the basis of probabilities. If, as I have already stated the evidence of the petitioners record

ing the confinement suffers from intrinsic improbabilities whether or not any function took place in the house of Hanumanthagouda Patil or anybody made a speech, the value of the evidence of the petitioner does not get enhanced. But, if as the respondent's witnesses say and the 2nd respondent also says, the position at about 3.30 P. M. on the 21st of January was that all candidates excepting the 1st respondent alone had withdrawn their candidature, the probabilities are that the friends of the 1st respondent would have liked to have some sort of a celebration of the event and no better place than the large house of Hanumanthagouda Patil could have been selected for that purpose, especially when he was the proposer.

291. But, there is one matter on which there is no cross-examination at all on behalf of the petitioners. Both G. C. Patil as well as Hanumanthagouda Patil have deposed that after the signing of Ex. R. 111 near Haveri by the 1st respondent, Patil Puttappa and Mahalinga Shetty went straight back to Hubli. There is absolutely no cross-examination of these witnesses on this point, nor even a suggestion that this statement by them is false. Mahalinga Shetty also has made a similar statement. That statement is not directly attacked in the course of the cross examination. But, a different suggestion has been put to him to which I have already made reference.

292. The 2nd respondent has positively denied the presence of Patil Puttappa and Mahalinga Shetty with him in his Office on the evening or early night of the 20th of January 1967. It is no doubt a mere denial. But, the said denial gains some strength from the fact that the evidence of Jafar and Chaman Sab is not only found by me to be difficult of acceptance, but has in fact not been relied upon by the petitioners as against the 2nd respondent.

293. Another argument has been advanced to the effect that if the statements in the speech made by the 1st petitioner on the 22nd at Hubli were really false, one would have expected, people like Hanumanthagouda Patil,

G. C. Patil, Patil Puttappa, to contradict it or make enquiries with people about it, if not actually go to the 1st petitioner himself and challenge him to prove or disprove the same. Comment has been made that everyone of the witnesses for the respondents has denied having looked into the newspaper Ex. R. 6 at all and that the said denial is scarcely believable, because whatever a man may or may not do, he may in a majority of cases be expected to read what has been stated against him in any paper if only he comes to know that such things have infact been stated about him in the papers. It may be that the total denial by the witnesses that they never looked into this paper is not quite acceptable. But, I cannot accept the argument that their re-action to that would have been of the type suggested in the argument. Re-actions of people to matters of this nature different in the case of different persons depending upon their temperament and general outlook on things. Those who know the facts would undoubtedly know whether the statements made in the newspapers are true or false. If they are true, they may, if cautious try to cover up their tracks. And if the statements in the newspapers are false, one category of people may ignore them and another category try to contradict the same and rouse further animosity.

294. But the real fact in dispute in this case is not capable of decision on an examination of the possible reactions of people to newspapers articles. I can proceed and rightly proceed only upon a proper evaluation of the evidence tendered by the petitioner on known human probabilities. So far as that evidence is concerned, the intrinsic improbabilities in it render it very difficult of acceptance. If so, whether or not Hanumanthagouda Patil or Patil Puttappa took any action in the matter, should make no difference. It may also be that they have taken some action, the details of which have not been placed before the Court by anybody.

295. The most important question as I stated in the alleged presence or absence of the 1st petitioner before the Returning Officer on the date of scrutiny and of withdrawals.

On this matter the positive evidence of the 2nd respondent is that the 1st petitioner personally presented his withdrawal and he, the 2nd respondent did take some steps to publish a contradiction of news items suggesting the contrary. In doing so, his motives were questioned Whereas he stated that he published the contradiction Ex. R-38 because he thought that the news-items were a reflection upon him in his official capacity, it was suggested that he had done so at the instance or in the interest of the first respondent. What I have already discussed at length is sufficient to discard the theory that whatever the second respondent has done in relation to this election is motivated by desire to assist the first respondent. Once the background of the alleged *mala fides* is removed, the action of the second respondent in publishing the contradiction appears to be quite a natural piece of conduct.

296. There only remains one other argument relating to the presentation of the withdrawal form by the first petitioner.

297. Exhibit P-8 it will be remembered is in English. The first petitioner states that he does not know English and that he knows the English script only to the extent necessary to enable him to sign his name in English. He admitted however that in his book shop he sells English text-books also and that whenever any body comes for purchase of English text books he himself picks out the book required and hands it over to him. He also admitted that in English text books there is not printed the name of the book in Kannada script. There was one text book referred to by him. The title of that book was 'Fragrant Petals'. I could not follow his pronounciation and he therefore assisted me by writing out the title in Kannada script. I cannot say whether this pronounciation taken along with this writing should be taken as indicative of total ignorance of English language on the part of the witness or an attempt to lend further point to his claim that he does not know English at all.

298. But, there are two circumstances which, in my opinion, make the selection of an English form in this case wholly inoperative from the point of view of the truth or falsity of the case.

299. The first petitioner admittedly can sign his name in English. If he can sign his name, surely he can read his name if written in English and after all that is all that has got to be written out in the form except the name of the place, and date. People not knowing English, signing forms of this type on being assured that the forms are intended for a particular purpose is not an uncommon occurrence.

300 Then, the second circumstance is that in the affidavit of the first petitioner in verification of the particulars of corrupt practice set out in the petitioner affirmed before a Notary Public contains no certification that the English text has been interpreted.

301. In view of all these circumstances and the difficulty I have felt in placing any reliance on his oral evidence, I do not think much can be made out of the circumstance that the form Exhibit P 8 is in English whereas for presenting his nomination the first petitioner had selected Kannada form.

302. But, there is something more about this form which is made use of for another purpose. The petitioner in his evidence had stated that he had not filled in the blanks in the form, nor had he asked anybody else to do so for him. When Hanumantagouda A. Patil was in the box, suggestions were put to him that the name of the first petitioner had been written by him and that the same is in his writing. He denied the suggestions. When Mahalinga Shetty in the box the same suggestion was put to him and he denied that the writing was his. He was asked whether the writing was not of Patil Puttappa's; he said it does not appear to be that of Patil Puttappa and apparently with a view to obviate further questions, he added that he did not know whose writing it was.

303. It is the evidence of all the witnesses for the 1st respondent that the blanks in his nomination form Ex.R. 11 had been filled by Patil Puttappa. A part of this is in capital letters, apparently for legibility. The name of the proposer Hanumanthgouda Patil, however, is written out in ordinary manuscript. According to the evidence, that writing is clearly that of Patil Puttappa.

304. It is therefore argued on behalf of the petitioners that I should compare the writing "Hanumanthagouda Ayyanagouda Patil" in Ex. R. 11 with the writing "Khader Khan Hussain Khan" in Ex. P-8 and hold that in all probability the letter writing is also that of Patil Puttappa.

305. There would have been some strength in this argument if the petitioners had been consistent in their case that Patil Puttappa who filled the blanks in Ex. R. 11 also filled the blanks in Ex. P-8.

306. The cross-examination on their behalf shows that they were merely trying to sound witness after witness so that they may ultimately pitch upon some witness to admit the writing to be his or depose that the writing is Patil Puttappa's. Apart from the fact that depending upon or drawing any inference on the basis of rejected suggestions is an impossible thing for a Court to do, suggestions of complicity in fraudulently filling up a form signed in blank has to be be proved by positive and acceptable evidence. It is not possible upon mere suggestions and suspicions to ask a Court to hold a state of affairs to be true suggesting the commission of more than one offence punishable under law.

307. When the 2nd respondent was in the witness box, the manuscript writing in the upper half of Ex. P-8 was brought to his notice. It was elicited from him that the person who wrote the name of the first petitioner there appeared to be different from the person who had entered the name of the town Shiggaon at two places leading to the inference that the blanks in Exhibit P-8 had been filled

not by one person but by two persons. He was asked whether this circumstance did not excite his suspicion. He categorically stated that he did not find anything suspicious in the matter because he has seen any number of forms the blanks in which had been filled by different persons or in different writings.

308. Thus, the cross-examination of the second respondent is really destructive of even the suggestions made to the other witnesses. If it was the case of the petitioners that Patil Puttappa was the person exclusively responsible for writing the manuscript portion of Exhibit P-8 and some support for the theory of responsibility was sought in the suggestions of his presence at the Returning Officer's office at various points of time, the eliciting from the second respondent of the existence of more writings than one or writings of more than one person on Exhibit P-8 shakes that theory.

309. But, what is of greater importance is that no suggestion was made to the second respondent that the writing might be this. As I have already observed, one of the important circumstance in this case is that the 2nd result of alleged plan could not possibly succeed without the complicity of the second respondent. Hence, if the petitioners wanted to make out their case on this aspect of the form it was up to them either to elicit from 2nd respondent when he was in the box or at least suggest to him circumstances which would make out either that he himself was responsible for completing Ex. P-8 or that the completion of Ex. P-8 was a matter directly witnessed by him. On the contrary, the cross-examination of the 2nd respondent seems to suggest that the 2nd respondent knew nothing about the completion of the paper. Specific questions were put to him as to the existence of different writings to excite his suspicion which implies that he had nothing to do with the form before it was presented to him.

310. The last argument upon facts which has to be dealt with under this matter has been made possible by the 1st respondent not examining Patil Puttappa.

311. Just before the close of the evidence of the 2nd respondent, an application I. A. II was filed by the petitioners' counsel requesting me to summon Patil Puttappa as a Court Witness. 1st respondent's counsel has filed a set of a objections. But both counsel are agreed or proceeded upon the footing that the discretion is entirely of the court, in the matter of calling or not calling Patil Puttappa as a Court witness. When such is the clear legal position and both sides are quite aware of it, the filling of the application and the filing of the objections, in my opinion, serve no better purpose than placing on record mere arguments. The said Statements are, in my opinion, unnecessary and uncalled for. Both parties recognise that the only question for consideration is the effect of non-examination of Puttappa on the value of evidence already placed on record.

312. Patil Puttappa had been named as a witness in the lists filed by both the parties. Whereas the 1st respondent merely described him as a person who may be called upon to give oral evidence, the petitioners also wanted that he be summoned to produce his account books showing the amount of money collected by him from the Government by way of charges on Government advertisements in his papers 'Viswavani' and 'Prapancha'. He made a return to the summons that he had not maintained separate accounts of advertisement charges, that it may take a long time for him to pick out the figures for various years referred to in the summons and that therefore he may be given some time. He was not present in court on 4th July 1967, the date of commencement of trial. But I was told that he might be present on the following day. He appeared on that day, 5th July 1967, and stated that he had made a request to the Director of Information and Publicity to give him a statement of figures gathered from the official papers and further stated that he will be in a position to make a clearer statement two days later. He was asked to appear on the 7th July 1967. On that day he produced a tabulated statement given to him by the Director of Information and publicity which was later marked as Ex. P. 11 through the 1st respondent as R. W. 1:

Upon his producing that statement in Court, Mr. B. S. Patil, learned counsel for the petitioners, stated that he had nothing more to do with Patil Puttappa as a witness. I therefore permitted him to go.

313. Earlier, I had asked both the counsel to make up their minds as to which of them was going to examine, him, because apart from the Court getting suspicious about the value of the evidence of the witness, it has to be stated that the witness as a person was entitled to fair treatment at the hands of the parties. But apparently at that stage, neither counsel was prepared to make any definite statement as to whether he would examine Patil Puttappa on his side The petitioners' counsel had apparently done with him. Mr. Ethirajulu Naidu for the 1st respondent stated that it was too early for him to make a statement on behalf of his client as to whether he would examine Patil Puttappa or not. But because I had put a specific question to him, he said, apparently out of deference to me, that if Patil Puttappa was going to be examined on behalf of the petitioners, it will then be not necessary for him to do any thing more than cross-examine him, but that if the petitioners were not going to examine him, in all probability he may not examine him on behalf of the first respondent.

314. Ultimately, either side examined Patil Puttappa.

315. From what is stated above, one thing is clear and that is, the relevance of Patil Puttappa' sevidence being only on the case of corrupt practice, the burden of proving which is on the petitioners, the attitude of the Counsel merely represented a desire on the part of one Counsel to lighten his burden and a desire on the part of the other counsel to wait and see.

316. That it was so is clear from the arguments pressed by Mr. B. S. Patil on the basis of the principle that though it is undoubted that the burden of proving a case of corrupt practice is entirely and exclusively on a

petitioner in an election petition the said rule does not absolve the respondent of his responsibility to assist the Court by producing the best evidence available and that on his failure to do so it may be open to the Court to draw such inferences against him as may appear to be just and reasonable.

317. It is with a view to make use of this principle that Mr. Patil has given the reasons why it was in his opinion necessary for the first respondent to examine Patil Puttappa. Those reasons may be briefly summarised as follows.

318. It will be seen that both from the petition as well as from the evidence tendered on behalf of the petitioners the main attack was directed against Patil Puttappa. In fact almost all the details of transactions resulting in the alleged commission of corrupt practices or bribery and undue influence are details of the acts of Patil Puttappa. He has been described as a stooge of the first respondent treating him to extensive hero worship. That he is such is sought to be made out from large amounts paid to him by the Government as charges for Government advertisements in his newspapers. Exhibit P-11 as to which the first respondent stated that the figures stated therein must be correct shows that such charges rose from about 26 or 27 thousand rupees in the year 1962-63 to Rs. 1,54,000 in the year 1967-68. So far as the particulars of corrupt practice are concerned, there is in the written statement of the 1st respondent no traverse on his personal knowledge, nor has he in the course of his evidence stated anything on his personal knowledge in regard to the case of corrupt practice. Mahalinga Setty who was examined as R. W. 4 is the person who is said to have been in the company of Patil Puttappa throughout the transaction resulting in the commission of corrupt practice. From him a denial was elicited on behalf of the first respondent to the effect that he was not present in the Office of the Returning Officer on the night of 20th January 1967 as spoken to by P. Ws.

3 and 4. Thereafter, denials were elicited from him regarding the subsequent details of the transaction. Once he denied his presence at the initial stage, his subsequent denials, according to the argument, are of no value because they would all add to no more than a denial of his presence.

319. In view of all these, it is stated that so far as the case of corrupt practice and details thereof are concerned, the only person who could have denied them or spoken about them on his own personal knowledge, would be Patil Puttappa and nobody else.

320. In addition, it is stated that by reason of answers elicited in the cross-examination of witnesses, it has been suggested or probabilised that the writing of the name of the 1st petitioner on the withdrawal form Ex. P-8 was that of Patil Puttappa himself.

321. One other argument which Mr. B. S. Patil did not state but which I may add is that the 1st respondent's witnesses did assign an important role to Patil Puttappa in the matter of persuading the 1st respondent to stand as a candidate. Even G. C. Patil, who, with others, went to the house of Mahalinga Shetty on the night of 19th January 1967 thought it necessary or desirable to invite Patil Puttappa and seek his assistance and it is common evidence of all the witnesses for the 1st respondent that the manuscript writing on the nomination form Ex. R. 11 was that of Patil Puttappa. Mahalinga Shetty has further deposed that Patil Puttappa has also come to Shiggaon and to the office of the Returning Officer on the morning of 21st January 1967 and that both he and Patil Puttappa went with the 1st respondent after 3-30 P. M. to the House of Hanumanthgouda Patil and then to Savanur and then to Bankapur.

322. Now, this entire argument would not have been available to the petitioners if, instead of examining Mahalinga Shetty, the 1st respondent had examined Patil Puttappa. From the point of view of the development of

the 1st respondent's case, as I have already stated, the evidence of Mahalinga Shetty was quite unnecessary in view of all the details deposed to by G. C. Patil. On the second part of the case of corrupt practice, Mahalinga Shetty had nothing to say and could not say anything because he had denied his presence in the Office of the Returning Officer on the night of 20th January 1967. In Addition, he made available to the petitioners the further fact that not only he but also Patil Puttappa had come to Shiggaon on the morning of 21st January 1967.

323. The question therefore is whether the non-examination of Patil Puttappa amounts to an omission on the part of the 1st respondent to place the best evidence before the Court.

324. The burden of proving corrupt practice, admittedly and undoubtedly, rests upon the petitioners. Their case of corrupt practice did not stop with what was apparently their case at the time Ex. P-3 and Ex. R-8 were issued. They added the case of continued confinement and tried to make out a case larger than was necessary for the purpose of getting the election set aside. The result has been, that the petitioners' evidence contains several intrinsic improbabilities making it almost impossible for the Court to accept even a part of their case. They also implicated the 2nd respondent making it necessary for them to charge him with *mala fides*. With no evidence adduced in support of the case, they, tried to build a case on theories which could not possibly stand scrutiny.

325. At the close of the evidence, Mr. B. S. Patil himself observed and in my opinion, rightly, that having regard to the two central points in controversy covered by issue No. 1. and issue No. 2, the determining factor in his case would be the value to be placed on the evidence of the Returning Officer, the 2nd respondent, and rest of the evidence tendered by the witnesses on two sides would be merely evidence of background facts which will be of

little or no use to either side. It appears to me that it is quite a correct appreciation of position in this case.

326. If that position is correct and if the only assistance that I have in this case to decide or chose between the two versions placed before me is the extent of reliance that I can place on the evidence of the 2nd respondent which was the one and only difficult question which I had to address myself to and consider at length, it would mean that the rest of the evidence is really of no assistance to the Court. If the 2nd respondent could be believed when he says that notice of withdrawal Ex.P-8 was presented to him by the 1st petitioner personally, it matters little whether and if so, for what reasons, the 1st petitioner presented his withdrawal. He might have done so either on persuation or at his own volition. But so long as he is not able to prove by acceptable evidence that he did so as a result of any corrupt practice resorted to by the 1st respondent, any amount of theorising is not going to assist him.

327. I believe Mr. Patil realised this position when at the close of his arguments he tried to make out an alternative position for his client. He stated that even if it should be difficult to disbelieve the 2nd respondent when he says that the 1st petitioner had presented Ex.P-8 to him, nevertheless, the case of undue influence need not fail altogether. He stated that undue influence might have been of such a nature or that the exercise thereof had actually put the 1st petitioner in such fear that even if he should have personally come and presented the paper, it might still be open to him to prove that he was not acting as a free agent. But the 1st petitioner has disabled himself from making any attempt to take up this alternative position by over-stating his case originally. Further, the acceptance of the evidence of the 2nd respondent that when he asked each candidate including the 1st petitioner whether he had really withdrawn his candidature and accepted the notice of withdrawal after satisfying himself on that point makes it difficult to accept the theory that the 1st petitioner must have been still under the influence of some fear instilled in him. It is perhaps with a view to meet this

that Mr. Patil very strongly pressed his argument that Mahalinga Setty and Patil Puttappa had no business to be present in Shiggaon on 21st January and that if they had come there it was because they wanted to see that what they had already been planning did not fail at the last moment. But the position taken up by the 1st petitioner especially in denying his presence on 21st at Shiggaon and the fact of his having presented Ex. P–8 personally and the evidence which he has given-making it clear that he was quite anxious and eager to stand for election and in the attitude he persisted in spurning all overtures of Patil Puttappa, all go to show that whatever might have been the attempts by inducement or undue influence before he came personally to the Office of the Returning Officer, he is not the person who can be expected to continue to be under any fear in the presence of the Returning Officer and other members of the public in the office. Even if he had promised Patil Puttappa earlier that he would withdraw, he would have gone straight to the Returning Officer's Office, got his nomination paper scrutinised and accepted and then declined to withdraw.

328. With all these difficulties in accepting the alternative theory propounded by Mr. Patil, the weakness in their original case invited by the petitioners themselves by putting up a case upon theories which they could not prove, I think, disentitles them from arguing that non-examination of Patil Puttappa is depriving the Court of the best evidence available to the 1st respondent.

329. So far as the writing on Ex. P-8 is concerned, I have already made my observations and stated my opinion that there is nothing in the evidence already brought on record even to suggest, much less probabilise, that the writing of the name of the 1st petitioner on Ex. P-8 is that of Patil Puttappa.

330. Regarding the large advertisement charges received by him, the argument on behalf of the petitioners that he is very much beholden to the 1st respondent would

have been of some value to them, but for the fact that to more than one witness it was suggested that when the 1st respondent was out of office and when Mr. Jatti became Chief Minister he was praising Mr. Jatti and denouncing the 1st respondent which only means that the petitioners themselves want to show him up as a man of doubtful loyalties and hence not quite reliable as a witness. If so, there is no clear statement of the case that Patil Puttappa is the person who might do anything for the purpose of getting the 1st respondent elected.

331. The real importance of the evidence of Patil Puttappa to the case of the petitioners appears to be limited to the alternative argument raised, *viz*, that though Ex. P-8 might have been presented personally by the 1st petitioner, he must be deemed to have been still under the influence of fear. For deciding the case as originally stated culminating in the absence of the 1st petitioner before the 2nd respondent on 21st January, the evidence of the 2nd respondent accepted by me is itself sufficient to discard the same, making it unnecessary for me to record and examine the evidence of Patil Puttappa, just as he has been unnecessary for me to examine in great detail the background of the case put forward by the 1st respondent. But if the alternative theory is to be made out, it could only be made out by eliciting for the purpose some admissions from Patil Puttappa if he is called as a witness. The application therefore to Court to call him as a Court witness, while expressly stating that the same was a matter left to the discretion of the Court and not sought by a prayer, should really be regarded as an attempt to lay the foundation for an alternative theory if the 1st theory should fail. Hence, the argument that non-examination of Patil Puttappa is suppression of the best evidence by the 1st respondent is really an argument to cover the weakness of the petitioners' own case and not to make out that the Court is being deprived of assistance.

332. This disposes of all the arguments on facts so far as issues 2, 3 and 4 and concerned.

333. There is only one point of law not suggested in the petition but raised in arguments which I should notice.

334. Withdrawals are presented under Section 37 of the Representation of the People Act, 1951, the first sub-section of which reads:

> "37 (1). Any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as may be prescribed and shall be subscribed by him and delivered before three O' clock in the afternoon on the day fixed under clause (c) of section 30 to the Returning Officer either by such candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by such candidate."

335. It is pointed out that the time for delivery is "before three O'Clock *in* the afternoon *on* the day fixed," whereas section 33 dealing with the presentation of nomination paper uses the words "on or before the date appointed *** ". The argument is, whereas section 33 refers to a period ending with a certain date section 37 refers to a single day and that day is the date fixed for under clause (c) of Section 30, and that therefore presentation of withdrawal notice at any time prior to 23rd January 1967 is wholly inoperative or void. Apart from the fact that the argument, if accepted, would render the withdrawal of candidature of seven other candidates also void, making the petition itself incompetent in view of the second prayer, section 37 cannot be read in the manner suggested. When it says that the withdrawal notice should be presented before three O'Clock on a particular day, it also says that the said day is the day fixed under clause (c) of Section 30. That clause describes that day as the last day for withdrawal. Reading the two together, it only means that three O'Clock in the afternoon of the day fixed under clause (c) is the last moment of time before which the withdrawal should be presented. The

beginning of that period during which the notice of withdrawal can be presented is not stated, but it has to be inferred from the fact that there must be an accepted nomination before it could be withdrawn. Probably, the beginning of the period, therefore will be the acceptance of the nomination which is earlier than the day fixed for scrutiny by more than one day. I find therefore no substance in this argument.

336. I therefore record the following findings on issues 2, 3 and 4:

Issues No. 3 (*a*).—The petitioners have failed to prove that Patil Puttappa, Mahalinga Shetty, Nadaf Jafar Saheb and Hotti Peersabnavar Chamansab Bhudusab, referred to in paragraph III (i) of the petition, either offered inducements to the first petitioner or subjected him to threats with a view to secure his withdrawal of his nomination in the circumstances set out in sub-paragraphs (i) and (j) of paragraph III of the petition.

Issue No. 3 (*b*).—As the facts themselves have not been established, the question whether there was consent prior or subsequent to the commission of corrupt practice does not arise; if necessary, proof of any such consent.

Issue No. 4.—As no facts as alleged have been established under issue No. 3, the petitioners have failed to prove the Commission of the corrupt practice of bribery under sub-section (1) and or undue influence under sub-section (2) of section 123 of the Representation of the People Act invalidating the election of the first respondent.

Issue No. 2.—The petitioners have failed to prove that the 1st petitioner had not in fact withdrawn his nomination paper. On the contrary, it is established by evidence that the 1st petitioner has himself presented his notice of withdrawal

to the 2nd respondent. The petitioners have failed to prove that the said notice of withdrawal was invalid for any reason.

337. For the reasons already discussed, I.R. No. II is dismissed.

338. The fifth issue does not call for much discussion in view of the fact that the evidence bearing thereon has already been discussed by me in detail under issues 1 and 2.

339. The assistance amounting to corrupt practice under sub-section (7) of Section 123 said to have been obtained by the 1st respondent from the 2nd respondent is restricted to two matters,—(1) the presentation of the nomination paper of the 1st respondent and (2) the withdrawal of candidature by the 1st petitioner. The statement of particulars in sub-paragraph (k) of paragraph III of the Petition is also that the particulars are the same as have been set out in sub-paragraphs (*a*), (*b*), (*c*), (*d*), (*e*), (*f*), (*g*) and (*h*) thereof.

340. So far as the reception of the nomination paper is concerned, the ultimate suggestion is that formulated in sub-paragraph (*g*) of Paragraph III, *viz.*, that by manipulations and manoeuvres the nomination paper of the 1st respondent has been ushered in. The said case rests entirely upon the allegation that the 2nd respondent has been a special favourite of the 1st respondent with a long-standing bond of intimacy between them and that by virtue of the same, the 1st respondent has utilised the assistance of the 2nd respondent to take on record a nomination paper which was in several particulars seriously defective. I have discussed the question of alleged *mala fides* of the 2nd respondent and come to the conclusion that all the attacks made against his *bona fides* are without substance. The said finding is sufficient to hold that no case of corrupt practice under sub-section (7) of Section 123 has been committed in relation to the reception of the nomination paper of the 1st respondent.

341. As to the withdrawal of candidature by the 1st petitioner, the matter is closely related to the case of corrupt practice which has been made the subject of Issue No. 3. While discussing the evidence in relation thereto, I have already pointed out that the petitioners' success on that part of the case depends largely, if not exclusively, on their being able to prove complicity of the 2nd respondent in the corrupt practice stated in Issue No. 3 itself. While examining the evidence thereon, I have pointed out that apart from intrinsic improbabilities in the evidence adduced by or on behalf of the 1st petitioner, the virtual giving up of one portion of the evidence of P.Ws. 3 and 4 has had the effect of totally breaking this link of alleged complicity of the 2nd respondent in the matter of the presentation of the withdrawal notice Ex. P-8. That opinion is sufficient to hold that no corrupt practice within the meaning of sub-section (7) of Section 123 is proved to have been committed in relation to the reception of the 1st petitioners' withdrawal of candidature Ex. P-8.

342. My finding on issue No. 5 therefore is that the petitioners have failed to prove that either in the matter of the presentation of the nomination paper of the 1st respondent or in the matter of withdrawal of the candidature of the 1st petitioner, the 1st respondent had secured the assistance of the 2nd respondent in such a way as to amount to corrupt practice under sub-section (7) of Section 123 of the Representation of the People Act.

343. The findings already recorded as above are sufficient to find issues 6 and 7 against the petitioners. On those findings it has to be held that the petitioners are not entitled to the declaration that the election of the 1st respondent is void or that the 1st petitioner is or has been duly elected. I hold accordingly.

344. In the result, the Election Petition is dismissed. The petitioners will pay costs of the respondents in two different sets, one set for each respondent.

345. At this is an original judgment, the Registrar will calculate costs of all the parties in three different sets and append the Memoranda of Costs to this judgment—one memorandum of costs of the petitioners, one of the 1st respondent and one of the second respondent. In each of these sets, Advocate's fee will be assessed at Rs. 1,500.

(Sd.) A. NARAYANA PAI,
JUDGE.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission,
India.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 10th November, 1967.

ORDER

No. MY-LA/95/67.—WHEREAS the Election Commission is satisfied that Shri Kullappa, Sarjapura Town, Anekal Taluk, a contesting candidate for election to the Mysore Legislative Assembly from 95-Anekal constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kullappa to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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ELECTION COMMISSION, INDIA

NEW DELHI,

Dated the 18th November, 1967.

NOTIFICATION.

No. 82/MY-15/67.—In pursuance of section 111 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 11th September, 1967, by the High Court of Mysore at Bangalore in Election Petition No. 15 of 1967.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the 11th day of September 1967.

Before

THE HON'BLE MR. JUSTICE K. R. GOPIVALLABHA IYENGAR

Election Petition No. 15 of 1967

Shivanna, son of Bhimappa, Hebal, age 29 years, Hindu Harijan (Holeya), student studying L.L.M. in Osmania University, Hyderabad .... *Petitioner.*

(By Sri K. Jagannatha Shetty)

—Vs—

1. Papa Nala Narasappa, son of Yenkappa, age about 51 years, Christian, Resident of Gurmitkal, District Gulbarga, Mysore State.
2. Ramappa, son of Nagappa, Hindu Harijan, age 32 years, Resident of Yadgiri, Taluk Yadgiri, District Gulbarga, Mysore State.

3. Ramakrishna, son of Hanumiah, Hindu Holeya, Dasari, age 45 years, resident of Yadgiri, Taluk Yadgiri, Dist. Gulbarga, Mysore State.

4. Shivaram Sambu, age 35 years, Hindu Holeya, Resident of village Mogha, Taluk Chincholi, District Gulbarga, Mysore State. .... *Respondents.*

(Respondent 1 by Sri A. V. Albal, Respondents 2 to 4 *ex parte*)

Election Petition filed by the Petitioner under Section 81 of the Representation of the People Act, 1951 challenging the election of the Respondent No. 1 to the Mysore Legislative Assembly from Gurmitkal Legislative Assembly Constituency in the General Elections held in February 1967 and seeking an order that (a) the election of Respondent No. 1 for the reserved seat of Gurmitkal Legislative Assembly Constituency is declared to be void (b) to declare and held the petitioner as the successful candidate for the reserved seatof Gurmitkal Legislative Assembly Constituency (c) to name the persons that committed corrupt practices alleged in the petition and issue necessary penal proceedings under the Representation of the People Act, 1951 against those found guilty, (d) to award costs of this proceedings and (e) pass such orders as may be deem fit and proper in circumstances of this case.

This Election Petition coming on for orders on 11th September 1967 along with I.A. No. I under Section 109 of the Representation of the People Act 1951 to withdraw this election petition in the presence of Sri K. Jagannatha Shetty, Advocate for the Petitioner and Sri A. V. Albal, Advocate for respondent No. 1 and Respondents Nos. 2 to 4 *ex parte* and this Election Petition having stood over for consideration, the Court made the following order this 11th day of September 1967.

ORDER

Notice of the application made by the petitioner under Sec. 109 of the R.P. Act has been issued fixing to-day as the date of hearing. The notice has also been published in the official Gazette. The 1st Respondent has no objection for permitting the petitioner to withdraw the petition, subject to payment of its costs. The other respondents remain *ex parte* and they have also been notified of this petition.

From the affidavit filed in support of the petition, I an satisfied that the application is *bona fide* and is not induced by any bargain or consideration.

In the circumstances of the case, I grant leave to the petitioner to withdraw the petition.

The Petitioner shall pay the costs of the respondent, the advocates fee being Rs. 250.

I further direct that a sum of Rs. 100 may be retained from the deposit of Rs. 2,000 to meet the cost of reference the records received from the Office of the Deputy Commissioner at Gulbarga. Whatever balance remains may be refunded to the petitioner.

The petition is dismissed as withdrawn.

K. R. GOPIVALLABHA IYENGAR,

Judge. 11-9-1967.

By order,

K. S. RAJAGOPALAN,

Secretary to the Election Commission, India.

NOTIFICATION.

Department of Law and Parliamentary Affairs.

No. LAW 157 LCR 67, Bangalore, dated 17—18th November 1967.

Ordered that the Emergency Risks (Factories) Insurance (Third Amendment) Scheme, 1967 published in S. O. No. 3589, dated 23rd September 1967, which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (ii), dated the 7th October 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. Ananthasubba Rao,
Under Secretary to Government,
Department of Law and Parliamentary Affairs.

GOVERNMENT OF INDIA.

Department of Revenue and Insurance.)

New Delhi, the 23rd September 1967.

S. O. 3589.—In exercise of the powers conferred by sub-section (6) of section 3 of the Emergency Risks (Factories) Insurance Act, 1962 (63 of 1962), the Central Government hereby makes the following Scheme further to amend the Emergency Risks (Factories) Insurance Scheme issued with the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S. O. 3946 dated the 26th December, 1962, namely :—

1. (1) This Scheme may be called the Emergency Risks (Factories) Insurance (Third Amendment) Scheme, 1967.

(2) It shall come into force on the first day of October, 1967.

2. In the Emergency Risks (Factories) Insurance Scheme, for paragraph 8, the following paragraph shall be substituted namely :—

"8. Rate of premium.

(1) Subject to the provisions of sub-paragraph (2) the premium payable under any policy in insurance issued in respect of the quarter ending on the 31st day of December, 1967 shall—

(a) in the case of a policy in force on the 30th day of September, 1967, be nil;

(b) in any other case, be at the rate of ten paise for every hundred rupees or any part thereof of the sum insured, subject to a maximum of twenty-five rupees.

(2) The Central Government may, in its discretion, at any time during the said quarter, revise the premium payable under the policies referred to in sub-paragraph (1).

(3) Where the amount of any premium payable under sub-paragraph (1) involves a fraction of a rupee, the premium shall be rounded off to the nearest rupee. The premium shall be payable in one lump sum in respect of the entire quarter for which the policy is in force:

Provided that if any factory becomes insurable or is insured under this Scheme after the commencement of the quarter, the premium shall be equivalent to the amount payable in respect of factories insurable during the entire quarter reduced by an amount which bears to the first mentioned amount the same proportion as the number of completed months in that quarter before the factory becomes insurable or is insured bears to three, the actual amount due in accordance with this proviso if it involves a fraction being rounded off to the nearest rupee.

(4) Where the premium has been revised under sub-paragraph (2) the provisions contained in the proviso to sub paragraph (3) shall apply for the purpose of calculation of the additional amount of premium payable or of the amount of premium refundable, as the case may be, as a result of such revision, as if all the policies came into force on the date of such revision."

[No. F. 101 (1)-INS.I/67-ERI (II).]

RAJ K. NIGAM, Dy. Secy.

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 156 LCR 67 Bangalore dated 17-18th November 1967.

Ordered that the Emergency Risks (Goods) Insurance (Third Amendment) Scheme, 1967 published in S. O. No. 3588 dated 23rd September 1967, which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (ii), dated the 7th October 1967 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

164 *Under Secretary to Government,*
Department of Law & Parliamentary Affairs.

GOVERNMENT OF INDIA.

(Department of Revenue and Insurance)

New Delhi, the 23rd September 1967.

S. O. 3583—In exercise of the powers conferred by sub-section (5) of section 5 of the Emergency Risks (Goods) Insurance Act, 1963 (61 of 1962), the Central Government hereby makes the following Scheme further to amend the Emergency Risks (Goods) Insurance Scheme issued with the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S. O. 3915 dated the 26th December 1962, namely.—

1. (1) This Scheme may be called the Emergency Risks (Goods) Insurance (Third Amendment) Scheme 1967.

(2) It shall come into force on the first day of October, 1967.

2 In the Emergency Risks (Goods) Insurance Scheme, for paragraph 10, the following paragraph shall be substituted, namely.—

"10. Rate of premium.

(1) Subject to the provisions of sub-paragraph (2) the premium payable under any policy of insurance issued in respect of the quarter ending on the 31st day of December, 1967 shall—

(a) in the case of a policy in force on the 30th day of September 1967 be nil;

(b) in any other case, be at the rate of six paise for every hundred rupee or any part thereof the sum insured, subject to a maximum of twenty-five rupees.

(2) The Central Government may, in its discretion at any time during the said quarter, revise the premium payable under the policies referred to in sub-paragraph (1).

(3) Where the amount of any premium payable under sub-paragraph (i) involves a fraction of a rupee, the premium shall be rounded off to the nearest rupee. The premium shall be payable in one lump sum in respect of the entire quarter for which the policy is in force :

Provided that if any goods become insurable or are insured under this Scheme after the commencement of the quarter, the premium shall be payable in one lump sum, which shall be equivalent to the amount payable in respect of goods insurable during the entire quarter reduced by an amount which bears to the first mentioned amount the same proportion as the number of completed months in that quarter before the goods become insurable or are insured bears to three, the actual amount due in accordance with this proviso if it involves a fraction being rounded off to the nearest rupee.

(4) Where the premium has been revised under sub-paragraph (2) the provisions contained in the proviso to sub-paragraph (3) shall apply for the purpose of calculation of the additional amount of premium payable or of the amount of premium refundable, as the case may be as a result of such revision as if all the policies came into force on the date of such revision."

[No. F. 101 (1)-INSI/67-ERI (I).]

RAJ K. NIGAM, Dy. Secy.

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 154 LCR 67, Bangalore, dated 14—16th November 1967.

Ordered that the Drugs Prices (Display and Control) Third Amendment Order, 1967 published in S. O. No. 3416, dated 20th September 1967 which has been published in the *Gazette of India*, Extraordinary Part II Section 3, sub-section (ii), dated the 20 September 1967, be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secy. to Government,
Dept. of Law and Parliamentary Affairs.

GOVERNMENT OF INDIA.

MINISTRY OF PETROLEUM AND CHEMICALS

ORDER.

New Delhi, the 20th September 1967.

S.O. 3416.—In exercise of the powers conferred by sub-section (1) read with clauses (c) and (e) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Drugs Prices (Display and Control) Order, 1966, namely :—

1. (1) This Order may be called the Drugs Prices (Display and Control) Third Amendment Order, 1967.

(2) It shall come into force at once.

2. In the Drugs prices (Display and Control) Order, 1966,—

(i) after paragraph 6, the following paragraphs shall be inserted, namely :—

"6A. *Form for obtaining approval of the Central Government.*— For the purpose of obtaining the approval of the Central Government under paragraphs 3 and 6, the manufacturer,

importer or distributor of a drug shall supply in the Form appended to this Order all relevant particulars in respect thereof to the Central Government.

6B. *Paragraph 6 not to apply to certain drugs.*—(1) Where a new drug not included in the price-lists published by any manufacturer importer or distributor of drugs immediately before the enforcement of this Order, has improved therapeutic value either by incorporation of at least one new therapeutic ingredient developed by original research or by adoption of manufacturing techniques evolved by appreciable development research, the manufacturer, importer or distributor of such new drug may, after supplying in the Form appended to this Order all relevant particulars in respect thereof to the Central Government, introduce such new drug for sale or include the price of such new drug in his price-list.

(2) The Central Government may, after due scrutiny of the particulars received by order, fix a price for the new drug other than the price included by the manufacturer, importer or distributor of drugs in the price-list referred to in sub-paragraph (1) and thereupon the price of the new drug shall, with effect from such date (not earlier than the date of communication of the order of the Central Government), as may be specified in the Order stand modified accordingly:

Provided that where no such order is made by the Central Government within a period of four months from the date of receipt of the relevant particulars referred to in sub-paragraph (1) the price of the new drug shall be deemed to be the price of such drug as included by the manufacturer, importer or distributor of drugs in his price-list referred to in the said paragraph.

Explanation.—A mere change in dosage or formulation in the preparation of a drug the price of which has been included in the price-list published by any manufacturer, importer or distributor of drugs immediately before the enforcement of this Order shall not be deemed to constitute a new drug within the meaning of sub-paragraph (1).

(3) Where a question arises whether a drug constitutes a new drug within the meaning of sub-paragraph (1), it shall be decided by the Central Government."

(ii) after paragraph 11, the following Form shall be inserted namely:—

"FORM

Particulars to be furnished under paragraphs 6A and 6B

[*See* paragraphs 6A and 6B of the Drugs Prices (Display and Control) Order, 1966]

NOTE.—(i) Please fill a separate form for each drug.

(ii) Please enclose a copy of the latest price list of your company if you have not sent one to the Government already. If a copy has already been sent give reference in the forwarding memo.

PART I

1. Name of the company and address of the registered office and factory.

2. Name of the drug [Please indicate also the generic name/ chemical name of the active ingredient(s)].

3. Type, composition, and specification of pack.

4. (a) Is the drug claimed to be a new drug as defined in paragraphs 6B of the Control Order? If so, furnish particulars in Part II.

(b) If it is not a new drug, as above, is it a drug proposed to be introduced by you as a addition to your list?

(c) (i) Is the drug already included in your price list, for which a price revision is now sought?

(ii) If so, indicate—

(a) the type composition and specification of pack under which it is being marketed by you.

(b) the date of its introduction

(c) The existing prices (wholesale and retail)

(d) the basis on which these prices were fixed

(e) number and date of Government Order, if any, approving these prices.

5. Give the following details in respect of comparable drugs in the market. (If there is more than one comparable drug, please furnish details of each of the drug):—

Sl. No.	Name of the drug	Name of the manufacturer	Type, composition & pack under which marketed	Approx. date of introduction	Wholesale price	Retail price
1	2	3	4	5	6	7

6. The wholesale and retail prices for which approval is sought (furnish particulars in Part III)

7. What was the percentage of sales of this drug to the total turnover of your company during the last two years?

PART II

[To be filled in for 'new drug' referred to in paragraph 6B of the Drugs Prices (Display and Control) Order, 1966]

1. Does it contain a new therapeutic ingredient developed by original research? If so give the chemical and generic name of the ingredient.

2. Has there been any scientific publication about the new ingredient? If so, enclose a copy of the publication.

3. Is the new ingredient, the subject of any patent? If so, give details.

4. Has any developmental work/research been carried out for the evolution of the drug? If so, give details.

5. Is there any medical literature about the drug? If so, enclose copies.

6. Indicate the specific advantages of this drug over any existing comparable drugs in the market.

7. Give details of the trials carried out to substantiate the claims.

8. Has approval under the Drugs Act, if necessary, been obtained for the introduction of this drug ?

9. Has this drug been introduced in any country ? If so, give particulars.

PART III

Cost and price data

NOTE.—(i) Please fill this Part separately for each pack.

(ii) In the case of revision of price of existing drugs, please fill in this part to give the particulars valid for

(1) 1963 or the date on which the price revision proposal was earlier accepted by Government ;

(2) 30-6-1966 ; and

(3) the date of present claim for price revision.

A. Specification of the pack

B. Ex-factory cost :	Unit	Cost to factory per unit	Quantity consumed	Total cost
		Rs.		Rs.
1	2	3	4	5
(i) Cost of materials :				
(a) Imported* (specify items)				
(b) Indigenous* (specify items)				
(c) Container				
(d) Other packing materials				
TOTAL				

* In the case of imported and indigenous raw materials please furnish particulars in Part IV.

1	2	3	4	5
(ii) Conversion charges (inclusive of processing, quality control, packing and depreciation; indicate basis, if necessary in a separate sheet)				
(iii) Royalty and service fees, if any.				
(iv) Excise duty				
Ex-factory Cost				
C. Promotion and distribution expenses (indicate, if necessary on a separate sheet, the basis on which the incidence has been arrived at)				
D. Profit (indicate, if necessary on a separate sheet the basis on which the incidence has been arrived at).				
TOTAL				
E. Selling commission				
F. Wholesale price				
G. Retailers margin				
H. Retail price				

PART IV

Break up of Material cost to Factory

(a) *Imported materials*

Description of material	Unit	CIF	Customs duty	Clearing and other charges	Cost of factory
		Rs.	Rs.	Rs.	Rs.

(b) *Indigenous materials*

Description of material	Unit	Basic price	Sales Tax and Octroi	Transport charges	Cost to factory
		Rs.	Rs.	Rs.	Rs.

Signature of the Manufacturer,
Importer or Distributor of drugs"

[No. 18-13/66-Ch. III.]

M. RAMAKRISHNAYYA, Jt. Secy.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Blore.

PART IV

Section 1—C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS

No. LAW 162 LCR 67, Bangalore, dated th- 17—18th November 1967.

Ordered that the Petroleum (Fourth Amendment) Rules 1967 published in G.S.R. No. 1556 dated 3rd October, 1967, which has been published in the *Gazette of India*, Extraordinary Part II, Section 3, sub section (i), dated the 21st October 1967 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secy. to Government,
166 *Dept. of Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA.

MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum)

New Delhi, the 3rd October 1967.

G.S.R. **1556**.—In exercise of the powers conferred by Sections 4, sub-section (2) of section 5, sub-section (2) of section 11, sections 21 and 23 and sub-section (1) of section 29 of the Petroleum Act, 1934 (30 of 1934), the Central Government hereby makes the following rules further

to amend the Petroleum Rules, 1937, the same having been previously published as required by sub-section (2) of section 29 of the said Act namely :—

1. These rules may be called the Petroleum (Fourth Amendment) Rules, 1967.

2. In the Petroleum Rules, 1937, in clause (d) of rule 3, items (iv) and (v) shall be renumbered as items (vii) and (viii) thereof, and before the items so renumbered, the following items shall be inserted, namely :—

"(iv) in the city of Bangalore, the Commissioner of Police, Bangalore City ;

(v) in the city of Nagpur, the Commissioner of Police, Nagpur city ;

(vi) in the city of Poona, the Commissioner of Police, Poona City" ;

[No. 37 (1)/A/67-Tech.]

S. R. SUNDARAM, Dy. Secy.

NOTIFICATION.

Department of Law and Parliamentary Affairs

No. LAW 163 LCB 67, Bangalore, dated 17—18th November 1967.

Ordered that the Carbide of Calcium (Third Amendment) Rules, 1967 published in G. S. R. No. 1557 dated 3rd October 1967 which has been published in the *Gazette of India* Extraordinary Part II, Section 3, sub-section (i), dated the 21st October 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. Ananthasubba Rao,
Under Secy. to Government,
167 *Dept. of Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA

MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum)

New Delhi, the 3rd October 1967

G.S.R. 1557.—In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934, (30 of 1934), as applied to Carbide of Calcium by the notification of the Government of India in the late Department of Industries and Labour No. M. 826 (I), dated the 15th October, 1936, the Central Government hereby makes the following rules further to amend the Carbide of Calcium Rules, 1937, the same having been previously published as required by sub-section (2) of section 29 of the said Act, namely :—

1. These rules may be called the Carbide of Calcium (Third Amendment) Rules, 1967.

2. In the Carbide of Calcium Rules, 1937, in clause (e) of rule 3, items (iv) and (v) shall be renumbered as items (vii) and (viii) thereof.

and before the items as so renumbered, the following items shall be inserted, namely :—

"(iv) in the city of Bangalore, the Commissioner of Police, Bangalore City ;

(v) in the city of Nagpur, the Commissioner of Police, Nagpur City ;

(vi) in the city of Poona, the Commissioner of Police, Poona City" :

[No. 37 (1)/B/67-Tech.]

S. R. SUNDARAM, Dy. Secy.

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 164 LCR 67, Bangalore, dated 17—18th November 1967.

Ordered that the Cinematograph Film (Third Amendment) Rules, 1967 published in G. S. R. No. 1558 dated 3rd October 1967, which has been published in the *Gazette of India*, Extraordinary Part-II, Section 3, sub-section (i), dated the 21st October 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secretary to Government.
168 *Dept. of Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA

MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum)

New Delhi, the 3rd October 1967

G.S.R. 1558.—In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (30 of 1934), as applied to the storage and transport of cinematograph films having a nitrocellulose base by the notification of the Government of India in the late Department of Labour No. Ex. 108 dated the 14th January, 1946, the Central Government hereby makes the following rules further to amend the Cinematograph Film Rules, 1948, the same having been previously published as required by sub-section (2) of section 29 of the said Act, namely :—

1. These rules may be called the Cinematograph Film (Third Amendment) Rules, 1967.

2. In the Cinematograph Film Rules, 1948, in clause (d) of rule 3, item (iv) shall be renumbered as item (vii) thereof, and before the item as so renumbered, the following item shall be inserted, namely :—

"(iv) in the city of Bangalore, the Commissioner of Police, Bangalore City ;

(v) in the city of Nagpur, the Commissioner of Police, Nagpur City ;

(vi) in the city of Poona, the Commissioner of Police, Poona City ;"

[No. 37 (1/)C/67-Tech.]

S. R. SUNDARAM, Dy. Secy.

NOTIFICATION.

Department of Law and Parliamentary Affairs.

No. LAW 170 LCR 67, dated Bangalore 21st—22nd November 1967.

Ordered that the Indian Boiler (Ninth Amendment) Regulations, 1967 published in G.S.R. No. 1662 dated 25th October 1967, which has been published in the *Gazette of India*, Extraordinary Part II, Section 3, sub-section (i), dated the 4th November 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore.

177 H. K. Ananthasubba Rao,
Under Secy to Govt., Dept. of Law and Parliamentary Affairs

GOVERNMENT OF INDIA

(DEPARTMENT OF INDUSTRIAL DEVELOPMENT,

(Central Boilers Board)

New Delhi, the 25th October 1967

G.S.R. 1662.—In exercise of the powers conferred by Section 25 of the Indian Boilers Act, 1923 (5 of 1923), the Central Boilers Board hereby makes the following Regulations further to amend the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

1. The Regulations may be called the Indian Boiler (Ninth Amendment) Regulations, 1967.

2. In the Indian Boiler Regulations, 1950, in Regulation 346, in the last sentence for the entry " 427°C (800°F)," the following entry shall be substituted, namely :—

" 454°C (850°F) "

[No. BL 9 (30) / 66-EE.I.]

P. J. MENON, Secy.

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 171 LCR 67, Bangalore, dated 21st–22nd November 1967.

Ordered that the Indian Boiler (Eighth Amendment) Regulations, 1967, published in G.S.R. No. 1663 dated 25th October, 1967, which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (i), dated the 4th November 1967, be republished in the *Mysore Gazette* for General Information

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secretary to Government,
178 *Dept. of Law & Parliamentary Affairs.*

GOVERNMENT OF INDIA

(DEPARTMENT OF INDUSTRIAL DEVELOPMENT.)

(Central Boilers Board)

New Delhi, the 25th October 1967.

G.S.R. 1663.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), the Central Boilers Board hereby makes the following Regulations further to amend the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely :—

1. The Regulations may be called the Indian Boiler (Eighth Amendment) Regulations, 1967.

2. In the Indian Boiler Regulations, 1950, in clauses (a) and (b) of Regulation 381, for the words and figures "Chapters IV and V". The words "relevant chapters" shall be substituted.

[No. BL-9 (18) / 66-EEI.]

P. J. MENON, Secy.

NOTIFICATION

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 172 LCR 67, Bangalore, dated 21st—22nd November 1967.

Ordered that the Indian Boiler (Seventh Amendment) Regulations, 1967, published in G. S. R. No. 1665 dated 25th October 1967 which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (i), dated the 4th November 1967, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

179 H. K. ANANTHASUBBA RAO,
Under Secy. to Govt.
Dept. of Law and Parliamentary Affairs.

GOVERNMENT OF INDIA

(DEPARTMENT OF INDUSTRIAL DEVELOPMENT)

(Central Boilers Board)

New Delhi, the 25th October 1967.

G. S R. 1665—In exercise of powers conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), the Central Boilers Board hereby makes the following Regulations further to amend the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of Section 31 of the said Act, namely :—

1. These Regulaiions may be called the Indian Boiler (Seventh Amendment) Regulations, 1967.

2. In the Indian Boiler Regulations, 1950, in the list of well known Steel-Makers specified in Appendix 'G' the following shall be added at the end, namely :—

"Kobe Steel, Ltd., No. 36, 1-chome, Wakinchama-cho. Fukiai-Kebe, Japan."

[No. BL-8 (5)/66-EEI.]

P. J. MENON, Secy.

NOTIFICATION.

Department of Law and Parliamentary Affairs.

No. LAW 152 LCR 67 Bangalore, dated 14—17th November 1967.

Ordered that the accompanying Notification No. S.O. 3306. Dated 19th September 1967 rescinding the Commercial Vehicles (Distribution and Sale) Control Order, 1963 with immediate effect except as respects things alone or omitted to be done under the order S.O. rescinded which has been published in the *Gazette of India*, Extraordinary Part II, Section 3, sub-section (ii), dated the 19th September, 1967, be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. Ananthasubba Rao,

Under Secy. to Govt.,

154 *Dept. of Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS

(Department of Industrial Development)

ORDER

New Delhi, the 19th September 1967.

S.O. 3306.—In exercise of the powers conferred by section 18G of the Industries (Development and Regulations) Act, 1951 (65 of 1951) read with section 21 of the General Clauses Act, 1897 (10 of 1897), the Central Government hereby rescinds the Commercial Vehicles (Distribution and Sale) Control Order, 1963. with immediate effect, except as respects things done or omitted to be done under the Order so rescinded.

[No. F. 1 (113)/65-E.Ind.(I).]

N. SUBRAHMANYAM, Spl. Secy.

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 153 LOR 67, Bangalore, dated 14th November 1967.

Ordered that the Scooters (Distribution and Sale) control (Amendment) Order, 1967 Published in S. O. No. 3307, dated 19th September 1967, which has been published in the *Gazette of India*, Extraordinary Part II, Section 3, sub-section (ii), dated the 19th September 1967 be re-published in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

Under Secretary to Government,
Department of Law and Parliamentary
155 *Affairs.*

GOVERNMENT OF INDIA.

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS

(Department of Industrial Development)

ORDER

New Delhi, the 19th September 1967.

S. O. 3307.—In exercise of powers conferred by section 18G of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following Order further to amend the Scooters (Distribution and Sale) Control Order, 1960, namely :—

1. (1) This Order may be called the Scooters (Distribution and Sale) Control (Amendment) Order, 1967.

(2) It shall come into force on the d
Official Gazette.

2. In the Scooters (Distribution and Sale) Control Order, 1960—

(i) in clause 2, in sub-clause (d),—

(a) for the words "includes every description of" the expression includes,—

(i) every description of ' shall be substituted ;

(b) the expression "(ii) a three-wheeler whether called an autorickshaw, a delivery van or by any other name;" shall be added at the end ;

(ii) in clause 5,

(a) in sub-clause (1), for the words "Schedule" the words and figures "Schedule I or, as the case may be, Schedule II" shall be substituted ;

(b) in sub-clause (2), for the letters and figures "Rs. 250" the letters, figures and words "Rs. 500 in the case of a three-wheeler and Rs. 250 in any other case" shall be substituted;

(iii) in clause 7, for the second proviso the following proviso shall be substituted, namely :—

"provided further that the Controller or in a State an officer appointed for the purpose by the Government of that State, may after making such enquiries as he deems fit, authorise the dealer by permit in writing to sell the scooter—

(a) if the person whose name has been registered in the register of the dealer is dead, to the heir of such person ;

(b) if it is company and subsequent to the registration of its name in the register of the dealer ;

(i) it has changed its name, in the name of the company so changed ;

(ii) it has transferred the undertaking, property and liabilities to any other company as a result of amalgamation sanctioned by the court, in the name of the company to which the undertaking, property and liabilities have been transferred ;

(iii) it is amalgamated as a result of order of the Central Government made in that behalf in the name of the company resulting from the amalgamation and specified in that order.";

(iv) after clause 7, the following new clause shall be inserted, namely :—

"7A. *Sale of scooter which is a three-wheeler under hire purchase schems.*—Where a person intends to purchase a scooter which is a three-wheeler, in terms of *bona fide* hire purchase

agreement the dealer may, while selling the said scooter to him, issue the invoice in the name of the hire-purchase company which has financed the purchase of that scooter with an endorsement thereon that the scooter is for the person whose name is on the register maintained by the said dealers under clause 6.";

(v) in clause 9, in sub-clause (1), for the words " one year " the the words "two years in the case of a three-wheeler and one year in any other case" shall be substituted ;

(vi) the schedule shall be renumberd as "Schedule I" and in the heading to Schedule I as so renumbered, for the words " Scooter/Motor-Cycle the words "Scooter other than a three-wheeler" shall be substituted;

(vii) after schedul I as so renumbered the following schedule shall be inserted, namely :—

"SCHEDULE II

[*See* clause 5 (1)]

Application for the purchase of a scooter which is a three-wheeler

To

(Name and address of the dealer)

Dear Sir,

I/we want to purchase a.....(Discription of the three-wheeler scooter).

2. Please book my/our order and let me/us know the registration number of the order and the price of the said three-wheeler scooter. I/We forward herewith a Post Office Savings Bank Pass Book to show that I/We have opened a Security Deposit Account in..... Post Office for Rs. 500 pledged in your favour which will not be withdrawn by me/us except on a written authority from you at the time the vehicle is ready for delivery.

3. The other requisite particulars are given below :—

(a) Full name and address of the applicant :

(b) Vocation of the applicant and the normal place of business or residence ;

(c) Whether the applicant pays income tax ;

(d) Purpose for which the vehicle is required ;

(e) If the vehicle is required to be plied as a public carrier, the number and date of the permit obtained from the Transport authorities may be indicated ; where no permit has already been obtained, the date of application for a permit and the route or area for which the permit has been sought may be stated ;

(f) If the vehicle is required to replace a vehicle already in use, the following particulars of the old vehicle should be furnished :

Make with engine & Chassis number	Number of years for which it has been in use.	Registration Number and date.	Permit Number

(g) Particulars of the three-wheeler scooter, if any, owned by the applicant during the two years preceding the date of the application in the following form .

(A) Vehicles still in possession.

Registration Number of the vehicles.	Make	Pay-load	Date of Purchase.

(B) Vehicles which have been sold during the last two years.

Registration Number of the vehicles	Make	Pay-load	Date of purchase	Date of sale	Name and address of party whom the vehicle has been sold

(h) Whether the applicant has registered for a three-wheeler scooter with any other dealer ; (if the answer is yes, the particulars of the order should be stated) ;

(i) Number and date of the Post Office Security Deposit Account;

(j) Specification of the three-wheeler scooter to be purchased ;

(k) What arrangements have been made for the payment of the price of the vehicle ? (If it is proposed to acquire it on hire-purchase basis, the name and address of the financier from whom it is proposed to get the necessary funds may be stated or if it is intended to obtain a loan for the payment of the price, the name and addres of the creditor and whether the vehicle is proposed to be mortgaged by way of security, shall all be stated).

4. Further, I/we do solemnly affirm and declare that I/we have not purchased a new three-wheeler scooter during this calendar year.

Yours faithfully,

Signature of applicant/s

Date ——————

[No. F. I (113) /65-A.E. Ind. (I).]

N. SUBRAHMANYAM, Spl. Secy.

NOTIFICATION.

No. FCS 397 LSH 67, Bangalore, dated 23rd November 1967.

Ordered that the Rice Milling Industry (Regulation and Licensing) Third Amendment Rules, 1967, published under G.S.R. No. 1465 dated 30th September 1967 in the *Gazette of India*, Part II, Section 3, sub-section (i), be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

J. T. BORKER,
Under Secretary to Government,
Food, Civil Supplies and Labour Department.

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GOVERNMENT OF INDIA

MINISTRY OF FOOD AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION.

(Department of Food)

NOTIFICATION.

New Delhi, the 20th September 1967.

G. S. R. 1465.—In exercise of the powers conferred by section 22 of the Rice Milling Industry (Regulation) Act, 1958 (21 of 1958), the Central Government hereby makes the following rules further to amend the Rice Milling Industry (Regulation and Licensing) Rules, 1959, the same having been previously published, as required by sub-section (1) of the said section namely :—

1. These rules may be called the Rice Milling Industry (Regulation and Licensing) Third Amendment Rules, 1967.

2 In the Rice Milling Industry (Regulation and Licensing) Rules, 1959, in form IV, in paragraph 3 relating to "Conditions of Licence", in condition (3-B), for the words "whole or any part of the Machinery", the words "any part of the machinery" shall be substituted.

[No. 209 (Gen) (1)/954/66-PY. II)

D. N. PRASAD,

Deputy Secy. to the Govt. of India.

ORDER

No. FSD 91 BCS 67, Bangalore, dated, 27th November 1967.

Ordered that the S. O. 3593 issued by the Government of India, Ministry of Commerce, New Delhi, which has published in the *Gazette of India*, Extra-ordinary, (Part II, Section 3, sub-section (ii), dated 3rd October 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

HARISARVOTHAM RAO,

Under Secretary to Government,
186 *Food, Civil Supplies and Labour Department.*

GOVERNMENT OF INDIA.

MINISTRY OF COMMERCE

NOTIFICATION.

New Delhi, the 3rd October 1967.

S. O. 3593.—In pursuance of section 12A of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby specifies the Orders mentioned in column (3) of the Schedule, hereto annexed, made by the State Government mentioned in the corrasponding entry in column (2) thereof, under section 3 of the said Act, to be special orders for purposes of summary trial under the said section 12A.

SCHEDULE

Orders made by the State Governments

S. No.	Name of the State Government	Title of the Order
1	2	3
1	Maharashtra	The Maharashtra Keresene Dealers' Licensing Order, 1966.
2	Mysore	The Mysore Essential Commodities [(other than Food-stuffs) (Maintenance of Accounts, Display of Prices and Stocks)] Order, 1967.
3	Mysore	The Mysore Cotton Textiles (Maintenance of Accounts and Control) Order, 1967.

[No. 26(57)CS.II/66.]

K. B. LALL, Secy.

NOTIFICATION.

No. CI 225 GMI 67, Bangalore, dated 9—20th November 1967.

The accompanying Notification No. 50 RSA/82/52 dated 6th October 1967, issued by the Institute of Chartered Accountants of India, New Delhi is republished in the *Mysore Gazette* for public information.

By Order and in the name of the Governor of Mysore,

172 N. NARAYANASWAMY, *Under Secretary to Government, Commerce and Industries Department.*

GOVERNMENT OF INDIA

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

Post Box No. 268, Indraprastha Marg, New Delhi-1.

6th October, 1967.

NOTIFICATION

No. 50 RSA (82)/52 —It is hereby notified for general information that the Council of the Institute of Chartered Accountants of India has removed from the Register of Certified Auditors with effect from the 26th day of January 1967, the name of Shri Mysore Nanjappa Nanjappa of 422, First Block, Jayanagar, Bangalore-4, who was holding a Certified Auditor's Certificate No. 82.

C. BALAKRISHNA,
Secretary.

(DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS)

NOTIFICATION.

No. LAW 163 LCR 67, Bangalore, dated 21st —22nd November 1967.

Ordered that the Merchant Shipping (Pilot Ladder) Rules, 1967 published in G. S. R. No. 1650, dated 21st October 1967, which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (i), dated the 4th November 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

181 H. K. ANANTHASUBBA RAO,
Under Secy. to Govt.,
Dept. of Law and Parliamentary Affairs.

GOVERNMENT OF INDIA

MINISTRY OF TRANSPORT & SHIPPING

MERCHANT SHIPPING

New Delhi, the 21st October 1967

G.S.R. 1650.—In exercise of the powers conferred by sub-section (1), read with clause (o) of sub-section (2) of section 288 of the Merchant Shipping Act, 1958 (44 of 1958), and in supersession of the Indian Merchant Shipping (Pilot Ladder) Rules, 1953, the Central Government hereby makes the following rules, the same having been previously published as required by the said sub-section (1) of section 288, namely :—

1. Short title, application and commencement.—(1) These rules may be called the Merchant Shipping (Pilot Ladder) Rules, 1967.

(2) They shall apply to—

(a) Indian Ships of over 200 tons net tonnage ;

(b) all Indian passenger ships engaged on international voyages in the course of which pilots are likely to be employed ; and

(c) other ships which are required to have on board a pilot, harbour-master or assistant harbour-master under section 31 of the Indian Ports Act, 1908 (15 of 1908), while they are in any port in India.

Provided that these rules shall not apply to a ship, other than an Indian ship, by reason of her being within a port in India if she would not have been in such port but for stress of weather or any other circumstances that neither the master nor the owner nor the charter (if any) of the ship could have prevented or forestalled.

(3) They shall come into force at once.

2. Provision of Pilot Ladder.—(1) Every ship to which these rules apply shall be provided with a pilot ladder which shall comply with the following requirements, namely :—

(a) a single length of ladder shall be provided capable of reaching the water from the point of access to the ship when the ship is in an unloaded condition and in normal conditions of trim with no list ;

(b) the pilot ladder shall be secured in a position so that each step rests firmly against the ship's side :

Provided that the Central Government may exempt ships with rubbing bands or ships which by virtue of their construction cannot fully comply with the provisions of this clause, from the requirements of this clause subject, however, to the condition that the provisions of this clause shall be complied with as nearly as circumstances permit ;

(c) the pilot ladder shall be in a position clear of any possible discharges from the ship and so secured that the pilot can gain safe and convenient access to the ship after climbing not less than 1·5 metres and not more than 9 metres. Whenever the distance from sea level to the point of access to the ship exceeds 9 metres, access from the pilot ladder to the ship shall be by means of an accommodation ladder or other suitably safe or equally convenient means ;

(d) the treads of the pilot ladder shall be of hard wood and not less than 48 centimeters long, 11·4 centimeters wide and 2·5 centimeters in depth :

(e) the steps shall be joined in such a manner that the ladder will be of adequate strength ;

(f) the steps shall be maintained in a horizontal position and shall be evenly spaced and not less than 30·5 centimeters or more than 38 centimeters apart ;

(g) spreaders of sufficient length at such intervals so as to prevent the ladder from twisting:

Provided that the provisions of this clause need not be complied with if the owner or master is satisfied that the ladder will not twist when in use without spreaders;

(h) the side ropes of the pilot ladder shall consist of two manila ropes 5.71 centimeters on each side:

Provided that the Central Government may permit the use of ropes of such other material as may be approved by them.

(2) There shall also be available on board—

(a) two man ropes of adequate strength and properly secured and of not less than 6·25 centimeters in circumference each and a safety line ready for use whenever required;

(b) handholds to enable the pilot to pass safely and conveniently from the head of the ladder into the ship or on to the ship's deck;

(c) a light capable of shining alongside the ship so as to illuminate the ladder effectively at night and adequate lighting arrangements on the deck at the position where the pilot would board the ship.

3. Maintenance and use of pilot ladder and other appliances.—(1) The pilot ladder and the appliances required to be carried on board under sub-rule (2) of rule 2 (hereinafter in this rule referred to as other appliances) shall be kept in good condition and shall be reserved for the use of officials and other persons, while a ship is arriving at, or leaving a port and for the embarkation and disembarkation of pilots.

(2) Pilot ladder and other appliances shall be used whenever a pilot, harbour-master or assistant harbour-master embarks or disembarks from a ship.

(3) It shall be the duty of the master or other person in charge of a ship to ensure that no ladder other than a pilot ladder is used by a pilot for embarkation or disembarkation.

(4) The rigging of the pilot ladder and other appliances and the embarkation and disembarkation of a pilot shall be supervised by the mate or other responsible officer on board the ship.

4. Penalty—Whoever commits a breach of any of the provisions of these rules shall be punishable with fine which may extend to one thousand rupees and if the breach is a continuing one, with further fine which may extend to fifty rupees for every day after the first during which the breach continues.

[No. 30-MD(7)/67.]

B. P. SRIVASTAVA, Dy. Secy.

NOTIFICATION.

No. FCL 121 FSU 67, dated Bangalore, the 2nd December 1967.

Ordered that the accompanying Notification No G.S.R. 1748/ESS.Com./Sugar, dated 16th November, 1967 of the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), Government of India, under sub section (3C) of Section 3 of the Essential Commodities Act, 1955 (10 of 1955), and Clause 7 of the Sugar (Control) Order, 1966, fixing the ex-Factory prices of Sugar, which has been published in the *Gazette of India*, Extraordinary Part II, Section 3, sub-section (i), dated the 16th November, 1967, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

S. SANTHI,

Deputy Secretary to Government,
Food, Civil Supplies and Labour Department.

GOVERNMENT OF INDIA.

Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food)

NOTIFICATION.

New Delhi, the 16th November 1967.

G. S. R. 1748/Ess.Com./Sugar:—In exercise of the powers conferred by sub-section (3C) of section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby determines the price specified in column (2) of Schedule I hereto annexed, as the price payable to the producer for the Indian Sugar Standard (ISS) D-29 grade of Sugar produced in 1966-67 by all Vacuum Pan Sugar factories situated in the area specified in the corresponding entry in column (1)

of the said Schedule, that is to say, the factories specified in Schedule III hereto annexed and required to be sold by the Central Government under clause (f) of sub-section (2) of section 3 of the said Act:

Provided that the price differentials for various grades of sugar higher or lower than the ISS D-29 grade shall be as shown in Schedule II hereto annexed:

Provided further that where a sugar factory is situated at a distance exceeding 5 kilometres from the nearest railway station or an out-agency of the railway or from the godowns outside the factory not connected by rail, the producer may charge an additional one paisa per quintal of sugar per kilometre beyond 5 kilometres of the distance between the sugar factory and such railway station or out-agency of the railway, in case of despatches by rail or between the sugar factory and such godowns in case of delivery ex-godowns.

* * * *

SCHEDULE I

Area	*Ex-factory price (Rs. per quintal)*
(1)	(2)
* * * *	
Mysore	
(I) Factories mentioned in part A under "Mysore" in Schedule III.	133.62
(II) Factories mentioned in part B under "Mysore" in Schedule III.	142.31
* * * *	

SCHEDULE II

The price differentials in paise per quintal for the various grades of sugar mentioned below shall, in relation to the basic grade, that is to say, the ISS D-29, be as under :—

ISS Grade	Paise pre quintal	ISS Grade	Paise per quintal	ISS Grade	Paise per quintal	ISS Grade	Paise per quintal
A—30, B—30 and C—30	(+) 200	A—29, B—29 and C—29	(+) 100	A—28, B—28 and C—28	—	A—27, B—27 and C—27	(—) 65
D—30	(+) 85	D—29	—	D—28	(—) 85	D—27	(—) 150
E—30	(+) 30	E—29	(—) 50	E—28	(—) 135	E—27	(—) 200

* * * * *

SCHEDULE III

* * * *

MYSORE

Part A

1 The Ugar Sugar Works Ltd., P. O. Ugar Khurd, Distt. Belgaum.
2 Shri Hiranyakeshi Sahakari Sakkare Karkhane Niyamit, Sankeshwar, Distt., Belgaum.

Part B

1 The Mysore Sugar Co. Ltd., Mandya Distt. Mandya.
2 Pandavapura Sahakara Sakhkare Karkhane Ltd., Pandavapura, Distt. Mandya.
3 The India Sugars & Refineries Ltd., Hospet, Distt. Bellary.
4 The Bellary Central Cooperative Stores, Sugar Factory, Kampli P. O., Distt., Bellary.
5 The Salar Jung Sugar Mills Ltd., Munirabad, Distt. Raichur.
6 Tungabhadra Sugar Works (Private) Ltd., Shimoga, Distt., Shimoga.
7 Gouribidanur Sahakare Sakkare Karkhane Ltd., Gouribidanur, Distt., Kolar.

* * * * * *

2. This order shall come into force with effect from the 23rd of November, 1967.

[No. 2-26/67-SCI]

K. L. PASRICHA, Jt. Secy.

* * * * * *

GOVERNMENT OF INDIA.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

(Department of Food)

NOTIFICATION

New Delhi, the 20th November 1967.

Ess. com./Sugar.—In exercise of the powers conferred by sub-section (3C) of section 3 of the Essential Commodities Act, 1955, (10 of 1955), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), No. G. S. R. 1748/Ess, Com./Sugar, dated the 16th November, 1967, namely :—

In the said notification, after the words and figures "produced in 1966-67", the words "or earlier" shall be inserted.

[No. 2-26/67-SCI.]

K. L. PASRICHA, Jt. Secy.

NOTIFICATION.

(FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT.)

No. FCL 120 FSU 67, Bangalore dated 2nd December 1967.

Ordered that the accompanying Order No. G.S.R. 1747/Ess. Com./Sugar—dated 16th November, 1967 of the Ministry of Food. Agriculture. Community Development and Co-operation (Department of Food), Government of India, under Section 3 of the Essential Commodities Act, 1955 (10 of 1955) which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (i), dated the 16th November, 1967, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

HARISARVOTHAM RAO,

193 *Under Secretary to Government,*
Food, Civil Supplies and Labour Department.

GOVERNMENT OF INDIA.

Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food)

ORDER

New Delhi, the 16th November, 1967.
(25th Karthika, 1889.)

G. S. R. 1747/Ess. Com./Sugar.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Sugar (Control) Order, 1966, namely :—

1. (1) This Order may be called the Sugar (Control) Amendment Order, 1967.

(2) It shall come into force on the 23rd day of November, 1967.

2. For clause 2 of the Sugar (Control) Order (hereinafter referred to as the said Order), the following clause shall be substituted, namely.—

"2. **Definitions.**—In this Order, unless the context otherwise requires,—

(*a*) 'producer' means a person carrying on the business of manufacturing sugar;

(*b*) 'recognised dealer' means a person carrying on the business of purchasing, selling or distributing sugar, and licensed under the Order relating to licensing of sugar dealers for the time being in force in a State or Union territory.".

3. For clause 4 of the said Order, the following clause shall be substituted, namely:—

"4. **Power to restrict sale, etc., of sugar by producers.**—The Central Government may direct that no producer shall sell or agree to sell or otherwise dispose of or deliver or agree to deliver any kind of sugar or remove any kind of sugar from the bonded godowns of the factory in which it is produced, except under and in accordance with a direction issued in writing by the Central Government.".

4. In clause 5 of the said Order,—

(i) the words "or the Chief Director" shall be omitted;

(ii) for the word "sugar", the words "any kind of sugar" shall be substituted;

(iii) the words "or he" shall be omitted.

5. In clause 6 of the said Order,—

(i) the words "or the Chief Director" shall be omitted;

(ii) for the words "any specified type or grade of sugar", the words "any kind of sugar" shall be substituted.

6. Clauses 7 and 8 of the said Order shall be omitted.

7. For clause 9 of the said Order, the following clause shall be substituted, namely.—

"9. **Utilisation of sugar taken delivery of in pursuance of an Order under section 3 (2) (f) of Act.**—Where any person, class of persons or organisation takes delivery of sugar from any producer in pursuance of a direction made under clause (*f*) of sub-section (2) of section 3 of the Act, such person, class of persons or organisation, as the case may be, shall—

(i) utilise the sugar so taken delivery of for the purpose for which such delivery was taken and for no other purpose;

(ii) submit to the Chief Director within fifteen days of the utilisation of the sugar so taken delivery of, a certificate to the effect that the sugar has been utilised for the purpose for which it was taken delivery of.".

8. In clause 10 of the said Order,—

(i) the words "or the Chief Director" shall be omitted;

(ii) the words "or himself" shall be omitted.

9. Clause 11 of the said Order shall be re-numbered as sub-clause (1) thereof and—

(i) in sub-clause (1) as so re-numbered, the words "The Chief Director or" shall be omitted;

(ii) after sub-clause (1) as so re-numbered, the following sub-clause shall be inserted, namely:—

"(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898) relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause."

10. Clause 16 of the said Order shall be omitted.

[No. 1-64/67-SCI]

K. L. PASRICHA, Joint Secy.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 18th November, 1967.

ORDER

No. MY-LA/84/67.—Whereas the Election Commission is satisfied that Shri T. Krishna Murthy, No GB 133, H. A. L. New Town-ship, Bangalore-17, a contesting candidate for election to the Mysore Legislative Assembly from 84-Varthur constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri T. Krishna Murthy to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 18th November, 1967.

ORDER.

No. MY-LA/90/67(2).—Whereas the Election Commission is satisfied that Shri Gangappa, Solur Village, Solur Hobli, Magadi Taluk, a contesting candidate for election to the Mysore Legislative Assembly from 90-Kudur constituency, has failed to lodge an account of his election expenses as required by the Representation of the people Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure ;

Now, therefore, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri Gangappa to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a pericd of three years from the date of this order.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA

TALKATORA ROAD,
NEW DELHI-1.

ORDER

Dated the 18th November 1967.

No. MY-LA/90/67 (1).—WHEREAS Shri H. S. Ganganna, S/o Shri Siddaranga Naika, Hulikal, Magadi Taluk, a contesting candidate for election to the Mysore Legislative Assembly from the 90-Kudur constituency, failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder; and was given due notice of such failure;

AND WHEREAS the Election Commission is satisfied that the account since lodged by him has not been lodged in the manner prescribed in the said Act and Rules, and he has not furnished any good reason or justification for the failure;

NOW, THEREFORE, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the said Shri H. S. Ganganna to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Mysore.

PART IV

Section 1—C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

NOTIFICATION.

No. CI 223 GMI 67, Bangalore, dated 27th November 1967.

The accompanying Notification No. 4-CA (1) 18/67-68 dated 6th September 1967 issued by the Institute of Chartered Accountants of India, Indraprashta Marg, New Delhi-1, is republished in the *Mysore Gazette* for public information.

By Order and in the name of the Governor of Mysore,

187 N. NARAYANASWAMY,
Under Secy. to Govt.,
Commerce and Industries Dept.

The Institute of Chartered Accountants of India, Post Box No. 268, Indraprastha Marg, New Delhi-1.

NOTIFICATION

Dated, the 6th September 1967.

No. 4-CA (1) 18/67-68, In pursuance of Regulation 16 of the Chartered Accountants Regulations, 1964, it is hereby notified that in exercise of the powers conferred by clause (b) of sub-section (1) of Section 20 of the Chartered Accountants Act, 1949, the Council of the Institute of Chartered Accountants of India, has removed from the Register of Members of this Institute with effect from the 1st day of April 1967, *i.e.*, at own request, the name of Sri Sivaramakrishna Sankaran, C/o The Bombay Burmah Trading Corporation Limited, Whitefield, Bangalore (Mysore) Membership No. 3683.

NOTIFICATION.

No. AF 222 AAE 65 Bangalore, dated 8th November 1967.

Ordered that Notification No. 90/F. No. 5/11/67-Cus. I dated 26th August 1967 of Government of India, Ministry of Finance (Department of Revenue and Insurance) New Delhi, which has been published in Part II, Section 3, sub-section (i) of the *Gazette of India* dated the 26th August 1967, be re-published in Part IV-Section-I-C of the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

1410 P. S. V. RAO,
Under Secretary to Government,
Agriculture and Forest Department.

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

(Department of Revenue & Insurance)

New Delhi the 26th August 1967.

NOTIFICATION

CUSTOMS

G.S.R. No. .—In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts power tillers used for agricultural purposes when imported into India, from the whole of that portion of the duty of customs leviable thereon which is specified in the First Schedule to the Indian Tariff Act, 1934 (32 of 1934).

No. 90/F. No. 5/11/67-Cus. I

S. K. CHATTERJEE,
Under Secretary to the Government of India,

ELECTION COMMISSION OF INDIA.

TALKATORA ROAD,
NEW DELHI-1,
Dated the 24th November 1967.

ORDER

No.MY LA/135/67. Whereas the Election Commission is satisfied that Shrimati Mabel Brito, W/o Joseph Brito, Brito Bagh 21-10, Hoige Bazar, Mangalore-I, a contesting candidate for election to the Mysore Legislative Assembly from 135-Mangalore-I constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shrimati Mabel Brito to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

NOTIFICATION.

Department of Law and Parliamentary Affairs

No. LAW 173 LCR 67, Bangalore, dated 29th November 1967.

Ordered that the Apprenticeship (Amendment) Rules 1967 published in G S. R. No. 1713, dated 27th October, 1967, which has been published in the *Gazette of India*, Extraordinary Part-II Section 3 sub-section (i), dated the 11th November 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. Ananthasubba Rao,
Under Secretary to Government,
Department of Law and
189 *Parliamentary Affairs.*

GOVERNMENT OF INDIA

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

(Directorate General of Employment and Training)

New Delhi, the 27th October 1967.

G.S.R. 1713.—In exercise of the powers conferred by sub-section (1) of section 37 of the Apprentices Act, 1961 (52 of 1961), and after consultation with the Central Apprenticeship Council, the Central Government hereby makes the following rules further to amend the Apprenticeship Rules, 1962, namely :—

1. These rules may be called the Apprenticeship (Amendment) Rules, 1967.

2. In rule 9 of the Apprenticeship Rules, 1962, for sub-rules, (2) and (3) the following sub-rules shall be substituted namely :—

"(2) In establishments where proper leave rules exist for the workers the leave to apprentices shall be granted by the employers in accordance with those rules subject to the following conditions, namely :—

(a) that every apprentice engaged in an establishment which works for five days in a week (with a total of 45 hours per week) shall put in a minimum attendance of 222 days in a year on training, out of which one-sixth, namely, 37 days, shall be devoted to related instruction and 185 days to practical training ;

(b) that every apprentice engaged in an establishment which works for $5\frac{1}{2}$ or 6 days in a week shall put in a minimum attendance of 264 days in a year on training, out of which one sixth namely, 44 days shall be devoted to related instruction and 223 days to practical training ;

(c) an apprentice, who for any reason is not able to undergo training for the period specified in clause (a) or clause (b), shall be given an opportunity to make up for the short fall in the following year and shall be eligible to take the test conducted by the National Council,

(i) if he is engaged in an establishment referred to in clause (a) only if he has completed the period of training and has put in a minimum attendance of 666 days or 888 days according as the period of training is three years or four years, and

(ii) if he is engaged in an establishment referred to in clause (b), only if he has completed the period of training and has put in a minimum attendance of 792 days or 1056 days according as the period of training is three years or four years.

(3) If an apprentice in not able to put in the minimum period of attendance specified in clause (c) of sub-rule (2) during the period of training he shall not be considered as having completed the full period of training and the employer may, under sub-rule (2) of rule 5, extend his period of training".

[No. 15 (1)/66-AP.]

G. JAGANNATHAN Under secy.

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS

No. LAW 174 LCR 67, Bangalore, dated 29th November 1967.

Ordered that the Apprenticeship (Amendment) Rules, 1967 published in G. S. R. No. 1714, dated 27th October, 1967 which has been published in the *Gazette of India* Extraordinary Part II, Section 3, sub-section (i) dated the 11th November 1967 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secretary to Government,
190 *Dept. of Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA

MINISTRY OF LABOUR, EMPLOYMENT REHABILITION.

(Department of Labour and Employment)

(Directorate General of Employment and Training)

New Delhi, the 27th October 1967

G.S.R. 1714.—In exercise of the powers conferred by sub-section (1) of section 37 of the Apprentices Act, 1961 (52 of 1961), and after consulting the Central Apprenticeship Council the Central Government hereby makes the following rules further to amend the Apprenticeship Rules, 1962, namely :—

1. These rules may be called the Apprenticeship (*Amendment*) *Rules, 1967.*

2. In the table under sub-rule (1) of rule 5 of the Apprenticeship Rules, 1962, under the heading "Group No. 3 Metal working trades group", in the entries against item 3. Welder (Gas and Electric)", for the words "Three years", the words "Two years" shall be substituted.

[No. 24 (4) 66-A P.]

G. JAGANNATHAN Under secy.

GENERAL ADMINISTRATION SECRETARIAT.

NOTIFICATION.

No. GAD 69 SHC 67, Bangalore, dated the 22nd November 1967.

The Government of India, Ministry of Home Affairs' Notification appointing Shri Justice Koratagere Bhimiah and Shri Justice Byanna Venkataswami, Additional Judges of the Mysore High Court to be Judges of the Mysore High Court, is republished hereunder:

No. 11/5/67-Judl. I

GOVERNMENT OF INDIA,

MINISTRY OF HOME AFFAIRS,

NOTIFICATION

New Delhi-11, the 20th November 1967

In exercise of the powers conferred by Clause (1) of Article 217 of the Constitution, the President is pleased to appoint.—

(i) Shri Justice Koratagere Bhimiah; and

(ii) Shri Justice Byanna Venkataswami

Additional Judges of the Mysore High Court to be Judges of the Mysore High Court with effect from the date they assume charge of their respective offices.

K. K. RAY,
Joint Secretary to the Government of India.

By Order and in the name of the Governor of Mysore,

B. PURUSHOTHAM,
Under Secretary to Government,
General Administration Dept. (Services).

NOTIFICATION.

(DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS)

No. LAW 167 LCR 67, dated Bangalore, 21st—22nd November 1967.

Ordered that the accompanying Notification No. S. O. 3923, dated 24th October 1967 declaring a certain archaeological site and remains in Afzalpur Taluk, Gulbarga District to be of national importance, which has been published in the *Gazette of India*, Extraordinary Part II, Section 3, sub-section (ii), dated the 4th November 1967, be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

183 *Under Secy. to Govt.,*
Department of Law and Parliamentry Affairs.

GOVERNMENT OF INDIA

MINISTRY OF EDUCATION.

(Cultural Activities Division).

[CAI(I) Section]

(ARCHAEOLOGY)

New Delhi, the 24th October 1967.

S. O. 3923.—Whereas by notification of the Government of India in the Ministry of Education No. S. O. 2083, dated the 9th June, 1967, published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 24th June 1967, the Central Government gave notice of its intention to declare the archaeological site and remains specified in the Schedule below to be of national importance.

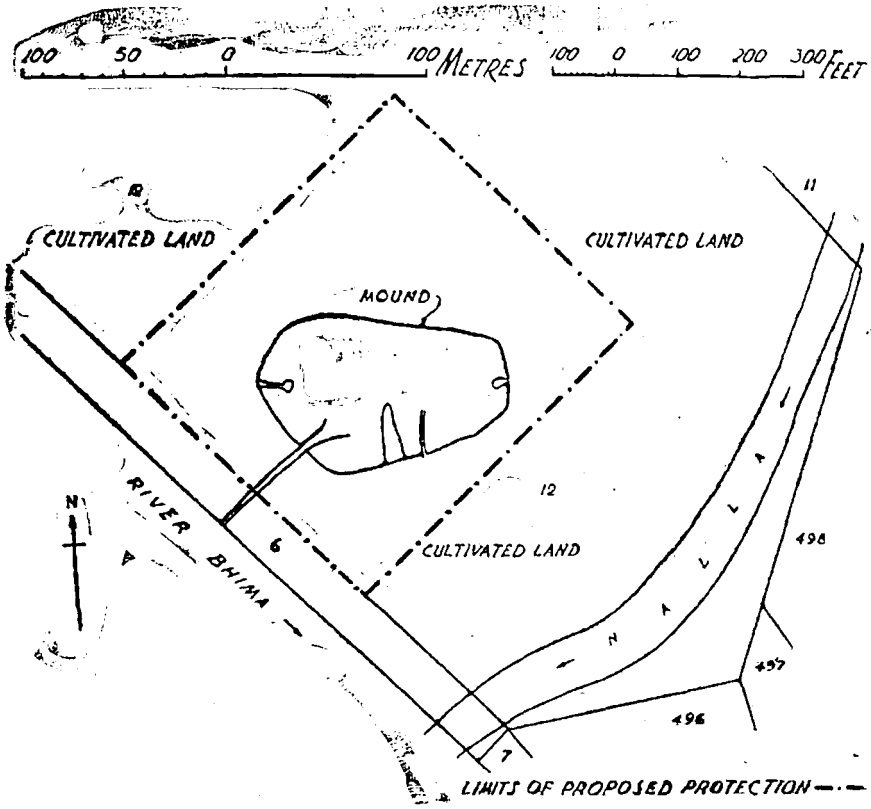
And whereas no objections have been received to the making of such declaration.

Now therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said archaeological sites and remains to be of national importance.

THE SCHEDULE.

Sl. No.	State	District	Taluk	Locality	Description of the site	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10	11
I	Mysore	Gulbarga	Afzalpur	Udchan (known also as Urchan)	Ancient site comprised in part of survey plot No. 12 as shown in the plan reproduced below.	Part of survey plot No. 12 as shown in the plan reproduced below.	6 acres 10 Guntas	*North* Remaining portion of survey plot No. 12. *East* Remaining portion of survey plot No. 12. *South* Survey plot No. 6. *West* Remaining portion of survey plot No. 12.	Private	

SITE PLAN OF ANCIENT SITE AT UDJHAN



[No. F. 4/3/67—CAI

SHARDA RAO (Mrs.),
Assistant Educational Adviser.

NOTIFICATION.

No.F CL 124 FSU 67, Bangalore, dated 5th December 1967.

Ordered that the accompanying Notification/Order Nos. GSR 1753 and 1754/ESS. Com/Sugar-dated 22nd/23rd November, 1967 respectively, issued by the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), Government of India under Section 3 of the Essential Commodities Act, 1955 (10 of 1955), which have been published in the *Gazette of India* Extraordinary, Part II, Section 3, sub-section (i), dated 22nd and 23rd November 1967; respectively be republished in the *Mysore Gaette* for general information.

By Order and in the name of the Governor of Mysore,

J. T. BORKER,

Under Secy. to Govt.,

209 *Food, Civil Supplies and Labour Dept.*

GOVERNMENT OF INDIA

MINISTRY OF FOOD AGRICULTURE,

COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Food)

NOTIFICATION.

New Delhi, the 22nd November 1967.

G S. R. 1753] Ess. Com/Sugar.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) No. G. S. R. 153/Ess. Com./Sugar, dated the 1st February, 1967, with effect from the 23rd November, 1967.

[No. 2-3/67-S. Py.]

K. L. PASRICHA,

Joint Secretary.

ORDER.

New Delhi, the 23rd November, 1967.

G. S. R. 1754/Ess. Com./Sugar.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with clause 6 of the Sugar (Control) Order, 1966, the Central Government hereby makes the following amendment in the order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) No. GSR. 914/Ess. Com/Sugar, dated the 10th June 1966, namely :—

In the said order for item (i) of the proviso, the following item shall be substituted, namely :—

"(i) from a vacuum pan sugar factory in pursuance of any direction issued under clause (f) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 or under clause 5 of the Sugar (Control) Order, 1955; or"

[No. 1-9/66-SCI.]

K. L. PASRICHA,
Joint Secretary.

NOTIFICATION.

No. CI 232 GMI 67, Bangalore dated 30th November 1967

The accompanying Notification No. 4-CA(1)/24/67-68 dated 7th October 1967, issued by the Institute of Chartered Accountants of India, Indraprashta Marg, New Delhi-1, is republished in the *Mysore Gazette* for public information.

By Order and in the name of the Governor of Mysore,

N. NARAYANASWAMY, *Under Secretary to Government, C. and I. Dept.*

GOVERNMENT OF INDIA.

THE INSTITUTE OF CHARTERED ACCOUNTS OF INDIA

Post Box *No.* 268, Indraprastha Marg,

New Delhi-1.

NOTIFICATION.

Dated 7th October 1967.

No. 4-CA(1)/24/67-68. In pursuance of Regulation 16 of the Chartered Accountants Regulations, 1964, it is hereby notified that in exercise of the powers conferred by clause (c) of sub-section (1) of Section 20 of the Chartered Accountants Act, 1949, the Council of the Institute of Chartered Accountants of India has removed from the Register of Members with effect from 7th October, 1967, on account of non-payment of the prescribed fees, the names of the following gentlemen.—

Sl. No.	Membership No.	Name and address
1.	6860	Shri Brahm Prakash Kataria, R/552, Shankar Road, New Delhi-1.
2.	7427	Shri Sachi Nath Guha Niyogi, Sreerampure, P.O. GARI , 24, Parganas (West Bengal).
3.	7485	Shri Yashwant Shantaram Apte, 24/380, Shantnagar, Goregaon, BOMBAY-62 No.
4.	7604	Shri Sudarshan Lal Marwah, 51/5, Original Road Flat No. 4, Diwan Bhawan, Dev Nagar, NEW DELHI-5.
5.	7678	Shri Bir Bhadra Mishra, Asst. Administrative Officer (Accounts) Life Insurance Corporation of India, Divisional Office, Club Road, MUZAFFARPUR (North Bihar).
6.	8089	Shri H.S. Gundu Rao, 442, Old Poor House Road, BANGALORE-1.

C. BALAKRISHNAN, *Secretary.*

ELECTION COMMISSION OF INDIA

ORDER

TALKATORA ROAD,
NEW DELHI-1.

Dated the 28th November, 1967.

No MY-LA/86/67.— WHEREAS the Election Commission is satisfied that Shri K M. Madaiah, S/o Mada Boyi, Mastra Doddi, Hamlet of Yadamaranahalli, Kanakapura Taluk a contesting candidate for election to the Mysore Legislative Assembly from 86. Sathanur constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951 and the Rules made thereunder;

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

NOW THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. M. Madaiah to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION OF INDIA.

ORDER

TALKATORA ROAD,
NEW DELHI-1,

Dated the 25th November, 1967.

No. MY-LA/205/67.—Whereas the Election Commission is satisfied that Shri Mangooli Madhwacharaya Hanamantacharaya, Killa, Bagalkot, a contesting candidate for election to the Mysore Legislative Assembly from 205. Bagalkot constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after due notice, has not given any reason or explanation for the failure;

NOW, THEREFORE, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri Mangooli Madhwacharaya Hanamantacharaya to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,

197 Secretary to the Election Commission,

ELECTION COMMISSION OF INDIA.

ORDER

TALKATORA ROAD,
NEW DELHI-1.

Dated the 10th November, 1967.

No. MY-LA/95/67.—WHEREAS the Election Commission is satisfied that Shri B. Munivenkatappa, Sidaraguppa, Attibele Hobli, Anekal Taluk, a contesting candidate for election to the Mysore Legislative Assembly from 95. Anekal constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri B. Munivenkatappa to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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PART IV

Section 1—C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS

NOTIFICATION.

No. LAW 169 LCR 67, Bangalore, dated 21st—22nd November 1967.

Ordered that the National Savings Certificates (First issue) (First Amendment) Rules, 1967 published in G. S. R. No. 1659, dated 24th October, 1967, which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (i), dated the 4th November 1967, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secretary to Government,
Law Department.

GOVERNMENT OF INDIA

DEPARTMENT OF COMMUNICATIONS

(P. and T. Board)

(P. and T. Finance)

New Delhi, the 24th October 1967

G. S. R. 1559.—In exercise of the powers conferred by section 12 of the Government Savings Certificates Act, 1959 (16 of 1959), the Central Government hereby makes the following rules further to amend the National Savings Certificates (First Issue) Rules, 1965, namely :—

1. These rules may be called the National Savings Certificates (First Issue) (First Amendment) Rules, 1967.

2. In the National Savings Certificates (First Issue) Rules, 1965—

(1) in rule 13,

(i) in clause (a) of sub-rule (2),—

(a) in sub-clause (iii), the word "and" occurring at the end shall be omitted ;

(b) in sub-clause (iv), the word "and" shall be inserted at the end after that sub-clause, the following sub-clause shall be inserted namely :—

"(v) transfer in the name of the survivor in the event of the death of one of the joint holders." ;

(ii) after sub-rule (3), the following sub-rule shall be inserted, namely :—

"4) In every case of transfer, other than a transfer under rule 16, the original certificates shall be duly discharged and the new certificate bearing the same date as that of the original certificate surrendered shall be issued in the name of the transferee."

(2) rule 14 shall be omitted ;

(3) in rule 30, in sub-rule (1), for clause (i), the following clause shall be substituted namely :—

"(i) transfer (other than a transfer from the name of a deceased holder to his heir or from a holder to a court of law or to any other person under the orders of the court of law or a transfer made under rule 16 or a transfer referred to in sub-clause (v) of clause (a) of sub-rule (2) of rule 13 of a certificate from one person to another;".

[No. 4721-PTI/67.]

[No. 35/73/66-F.]

O. K. SUBRAMANIAN, Dy. Secy.

NOTIFICATION.

No. GAD 43 SPS 68 Bangalore, dated 6th December 1967.

The Government of India, Ministry of Home Affairs' Notification No. 27/4/67-AIS (III), dated 28th November 1967 confirming certain S.P.S. Officers appointed to I.P.S. against the Promotion Quota in the Indian Police Service Cadre of Mysore is republished hereunder:—

No. 27/4/67-AIS (III)

GOVERNMENT OF INDIA.

MINISTRY OF HOME AFFAIRS.

NOTIFICATION.

New Delhi, the 28th November 1967]

The President is pleased to confirm the following officers in the I.P.S. Cadre of Mysore against vacancies in the senior posts shown in item 3 of the cadre Schedule with effect from the date shown against each:—

1.	Shri H. Varadaraj Iyengar	...	31-1-1967
2.	Shri Mohamed Musthfa	...	31-1-1967
3.	Shri N. S. Vasudevan	...	31-1-1967
4.	Shri K. S. Ramachandra Rao	...	5-3-1967

A. N. Batabyal, Under Secretary to the Government of India.

By Order and in the name of the Governor of Mysore,

B. PURUSHOTAM,

Under Secretary to Government,
G. A. D. (Services).

ELECTION COMMISSION, OF INDIA.

TALKATORA ROAD,
NEW DELHI-1,

Dated the 2nd December, 1967.
Agrahayana 11, 1889 (Saka)

ORDER

No. MY-LA/192/67 (2).—WHEREAS the Election Commission is satisfied that Shri Shivangoud Malagoud Patil, Gujanal Post, Ankalgi, Taluka Gokak a contesting candidate for election to the Mysore Legislative Assembly from 192-Gokak constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate, even after due notice, has not given any reason or explanation for the failure;

NOW, THEREFORE, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri Shivangoud Malagoud Patil to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION OF INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 2nd December, 1967.
Agrahayana 11, 1889 (Saka)

ORDER

No. MY-LA/192/67 (1).—WHEREAS the Election Commission is satisfied that Shri Parasappa Hanamant Karaning, at and P. O. Konnur, Taluka Gokak a contesting candidate for election to the Mysore Legislative Assembly from 192-Gokak constituency. has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

AND WHEREAS the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, THEREFORE, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri Parasappa Hanamant Karaning to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

NOTIFICATION.

No. CI 2 6 GMI 67, Bangalore, dated 2nd December 1967.

The Accompanying Notification No. 5 (CA) 1 (19 67-68 dated nil issued by the Institute of Chartered Accountants of India Indraprasta Marg, New Delhi 1, is republished in the *Mysore Gazette* for Public Information.

By Order and in the name of the Governor of Mysore,

N. NARAYANASWANY, *Under Secy.*

GOVERNMENT OF INDIA

The Institute of Chartered Accountants of India

Post Box No. 268, Indraprastha Marg New, Delhi-1.

No. 5 C A (1)/19/67-68: With reference to this Institute's Notification No. 4-CA (1)/11/67-68, dated the 11th July 1967, it is hereby notified in pursuance of Regulation 18 of the Chartered Accountants Regulations, 1964, that in exercise of the powers conferred by Regulation 17 of the said Regulations, the Council of the Institute of Chartered Accountants of India has restored to the Register of Members with effect from the dates mentioned against their names, the name of the following gentlemen —

Sl. No	Membership No.	Name and Address	Date of Restoration
1	604	Sri Negapatam Rangaswami Aivangar Parthasarathy, F. C. A. Movi land Bldg 6th Cross Road, Gandhi Nagar, Bangalor -9 ...	9—8—1967
2	2582	Shri Narayan Dass Bagree, F. C. A. 8, Lyons Range, Calcutta ...	8—8—1967
3	2726	Sri S. Krishnamurthy, A. C. A., 8, Halland House, Calaba Causeway, Bombay-1 ...	7—8—1967

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS

NOTIFICATION.

No. LAW 165 LOR 67, Bangalore dated 21st and 22nd November 1967.

Ordered that the Inter Zonal wheat and wheat-products (Movement Control) Sixth Amendment Order, 1967 published in G.S.R. No. 1665 dated 30th October 1967 which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (i), dated the 30th October 1967 be repulished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
147 *Under Secretary to Govt., L. D.*

GOVERNMENT OF INDIA

MINISTRY OF FOOD, AGRICULTURE COMMUNITY DEVELOPMENT AND CO-OPERATION.

(Department of Food).

ORDER

New Delhi, the 30th October 1967.

G.S.R. 1665.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Inter-Zonal Wheat and Wheat-Products (Movement Control) Order, 1954, namely :—

1. This Order may be called the Inter-Zonal Wheat and Wheat Products (Movement Control) Sixth Amendment Order, 1967.

2. In the Inter-Zonal Wheat and Wheat Products (Movement Control) Order, 1964,—

(1) in clause 3, after the fourth proviso, the following proviso shall be inserted, namely :—

"Provided also that nothing contained in sub-clause (1) or sub-clause (2) shall apply to the export of wheat or any wheat product not exceeding five kilograms in weight in the aggregate by a *bona fide* traveller as part of his luggage in the case of zones other than the zone comprising (i) the State of Uttar Pradesh (Zone III), (ii) the State of Madhya Pradesh (Zone VI) and (iii) the State of Gujarat and the area comprising Daman and Diu in the Union territory of Goa, Daman and Diu, and the Union territory and Dadra and Nagar Haveli (Zone X) and the import of wheat or any wheat product not exceeding five kilograms in weight in the aggregate so carried by *bona fide* traveller into any zone." ;

(2) in sub-clause (2) of clause 6, after item (viii), the following proviso shall be inserted, namely :—

"Provided also that nothing contained in clause 4 or clause 5 shall apply to the movement of wheat or any wheat product not exceeding five kilograms in weight in the aggregate by a *bona fide* traveller as part of his luggage in the case of zones other than the zones comprising (i) the State of Uttar Pradesh, (ii) the State of Madhya Pradesh and (iii) the State of Gujarat and the area comprising Daman and Diu in the Union territory of Goa, Daman and Diu, and the Union territory of Dadra and Nagar Haveli."

[No. 204 (IZWO) (1)/977/67-PY. II.]

R. BALASUBRAMANIAN, Jt. Secy

NOTIFICATION.

No. CI 228 GMI 67, Bangalore, dated, 2nd December 1967.

The accompanying Notification No. 4-CA (1) 16/67-68 dated 31st August 1967 issued by the Institute of Chartered Accountants of India, Indraprashta Marg, New Delhi-1, is republished in the *Mysore Gazette* for Public Information.

By Order and in the name of the Governor of Mysore

N. NARAYANASWAMY,

203 *Under Secretary to Government.*
Commerce and Industries Department.

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA, POST BOX No. 268, INDRAPRASTHA MARG, NEW DELH -1.

NOTIFICATION

New Delhi, the 31st August 1967.

No. 4-CA (1)/16/67-68 :—In pursuance of Regulation 16 of the Chartered Accountants Regulations, 1964, it is hereby notified that in exercise of powers conferred by clause (a) of Sub-section (1) of Section 20 of the Chartered Accountants Act, 1949, the Council of the Institute of Chartered Accountants of India, has removed from the Register of Members of the Institute, with effect from the 5th day of August, 1967, on account of death, the name of Shri Kola John, Kodagi Building, Gundapanth Street, Bangalore (Mysore) (Membership No. 108).

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 166 LGR 67, dated Bangalore, 21st—22nd November 1967.

Ordered that the Cinematograph Film (Forth Amendment) Rules 1967 published in G. S. R. No. 1627 dated 10th October, 1967, which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (i), dated the 28th October 1967, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,
Under Secy. to Government,
182 *Dept. of Law and Parliamentary Affairs.*

GOVERNMENT OF INDIA.

MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum)

New Delhi, the 10th October 1967.

G.S.R. 1627.—In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (30 of 1934), as applied to the storage and transport of cinematograph films having a nitro-cellulose base by the Notification of the Government of India in the late Department of Labour No. Ex. 108, dated, the 14th January, 1946 the Central Government is pleased to make the following rules, the same having been previously published, as required by sub-section (2) of section 29 of the said Act, namely:—

1. These rules may be called the Cinematograph Film (Fourh Amendment) Rules, 1967.

2. In the said Cinematograph Film Rules, 1948,—

(i) in sub-rule (1) of rule 3,

(a) for the figures, word, bracket and abbreviation "1⅜ inches (35 mm.).", the figures and abbreviation '35 mm.' shall be substituted;

(b) for the figures and words "1000 feet" and "5 pounds", the figures and words "300 metres" and "2.5 kilograms" shall respectively be substituted;

(ii) in sub-rule (m) of rule 3, for the figures and abbreviation "1000 lbs." the figures and abbreviation "500 kg." shall be substituted;

(iii) in sub-rule (o) of rule 3, for the figures and abbreviation "1000 lbs.", the figures and abbreviation "500 kg." shall be substituted;

(iv) in sub-rule (i) (a) of rule 11, for the figures and word "200 pounds", the figures and word "100 kilograms" shall be substitued;

(v) in sub-rule (ii) of rule 11, for the figures and word "20 pounds", the figures and word "10 kilograms" shall be substituted;

(vi) in rule 18, under proviso (a), for the figures and abbreviation "200 lbs." the figures and abbreviation "10 kg." shall be substituted;

(vii) in rule 18, under proviso (b), for the figures and abbreviation "20 lbs.", the figures and abbreviation "10 kg." shall be substitued;

(viii) in rule 22, for the figures and words "35 square feet" the figures and words "3.5 square metres" shall be substituted;

(ix) in rule 25, for the figures and word "30 inches", the figures and word "75 centimetres" shall be substituted;

(x) in rule 26, for the words "one quart" the words "one litre" shall be substituted;

(xi) in Schedule I,

(a) in sub clause (i) of clause (1), for the figures and words "12 inches" and "¼ inch", the figures and word "30

centimetres" and "1.25 centimetres" shall respectively be substituted;

(b) in sub-clause (ii) of clause (1), for the figures and words "13½ inches" and "½ inch" the figures and words "35 centimetres" and "1.25 centimetres" shall respectively be substituted;

(c) in sub-clause (iii) of of clause (1), for the figures and words "6 inches" and "¼ inch" the figures and words "15 centimetres" and "1.25 centimetres" shall respectively be substituted;

(xii) in Schedule II,—

(a) in sub-clause 1 of clause (A), for the figures and words "30 inches by 16½ inches by 16 inches" the figures and words "75 centimetres by 42 centimetres by 41 centimetres" shall be substituted;

(b) in sub-clause 2 of clause (A), for the figures, words and brackets ".022 of an inch (No. 25 B.G.)" and ".028 of an inch (No. 23 B.G.)" the figures and words "0.56 millimetres" and "0.71 millimetre" shall respectively be substituted;

(c) in para 2 of sub clause 2 of clause (A), for the figures and word "1½ inches", the figure and word "3 centimetres", shall be substituted;

(d) in sub-clause 5, of clause (A), for the figures and abbreviations "1 in." and "⅛ in." the figures and abbreviations "2.5 cm." and "1 cm." shall respectively be substituted;

(e) in sub-clause 1 of the clause (B), for the figures and words "13½ inches" and "11¾ inches." the figures and words "35 centimetres and "30 centimetres" shall respectively be substituted;

(f) in sub-clause 2 of clause (B), for the figures, words and brackets ".025 of an inch, (No. 24 B.G.)" and ".031 of an inch (No. 22 B.G.)" the figures and words "0.63 millimetres" and "0.79 millimetre" shall respectively be substituted;

(g) in para 2 of sub-clause 2 of clause (B), for the figure and word "1 inch" the figures and word "2.5 centimetre" shall be substituted;

(h) in sub-clause 4 of clause (B), for the figure and word "¼ inch", the figure and abbreviation "6 mm." shall be substituted;

(i) in sub-clause 5 of clause (B), for the figures and words "1 inch" and "3/8 inch", the figures and abbreviations "2.5 cm." and "1 cm." shall respectively be substituted;

(xiii) in Schedule III, for the expressions "100 pounds", "200 pounds", "1000 pounds" "100 lbs.", "1000 lbs." and "6000 lbs." where ever they occur, the following "50 kilograms", "100 kilograms", "500 kilograms," "50 kg. "500 kg." and "3000 kg." shall respectively be substituted;

(xiv) in the licence form C (Article 1 of Schedule III)—

(a) in the heading, for the figures and word "200 pounds" the figures and word "100 kilograms" shall be substituted;

(b) in the body of the licence form, for the word "pounds" the word "kilograms" shall be substituted;

(c) in condition 1 (ii), for the figuers and word "25 feet" the figure and word "8 metres" shall be substituted;

(d) in condition 4, the expression "No. 16 mesh" shall be omitted and after the words "metal wire gauze" the expression "of not less than 7 mesh per linear centimetre" shall be inserted;

(xv) in the licence form D (Article 2 of Schedule III)—

(a) in the heading, for the figures and words "200 pounds" and "1000 pounds" the figures and words '100 kilograms" and "500 kilograms" shall respectively be substituted;

(b) in the body of the licence form, for the word "pounds" the word "kilograms" shall be substituted;

(c) in condition 2 (i), the expression "No. 16 mesh" shall be omitted and after the words "metal wire gauze" the expression "of not less than 7 mesh per linear centimetre" shall be inserted;

(d) in condition 2(ii), for the figures and word "3/16 inch" the figure and word "8 metres" shall be substituted;

(e) in condition 5, for the figures and word '25 feet", the figure and word "8 metres" shall be substituted;

(f) in condition 7(a)(i), for the figures, abbreviation and word "16 S. G" and "375 pounds", the figures, abbreviation and word "1.6 mm." and "175 kilograms" shall respectively be substituted;

(g) in condition 7(a (iv), for the figures and words "¼ inch" and "11 square inches" the figures and words "5 milli metres" and "90 square centimetres" shall respectively be substituted;

(xvi) in the licence form E (Article 3 of Schedule III)—

(a) in the heading, for the figures and words "1000 pounds" and "6000 pounds", the figures and words "500 kilograms" and "3000 kilograms" shall respectively be substituted:

(b) in the body of the licence form, for the word "pounds" the word "kilograms" shall be substituted;

(c) in condition 2, for the figures and abbreviation "6000 lbs." the figures and abbreviation "3000 kg." shall be substituted;

(d) in condition 5, for the figures and words "30 feet" and "50 feet" the figures and words "10 metres" and 15 metres" shall respectively be substituted;

(xvii) in Appendix (Specification for vaults)—

(a) in clause (i), for the figures and words "1000 cubic feet", the figures and words "28 cubic metres" shall be substituted;

(b) in clause (ii), for the figures and words "18 inches" "8 inches" and "half an inch", the figures and words "45 centimetres" "20 centimetres" and 1.25 centimetres" shall respectively be substituted;

(c) in clause (iii), for the words "one foot", the words "thirty centimetres" shall be substituted;

(d) in clause (iv), for the words "six inches" the words "fifteen centimetres" shall be substituted;

(e) in clause (v), for the figures and word "3/16 inch", the figure and word "5 millimetres" shall be substituted;

(f) in clause (vi) (a), for the figures and words "14 square feet", the figures and words "1.3 square metres" shall be substituted;

(g) in clause (vi) (b), the expression "No. 16 mesh" shall be omitted and after the words "metal wire gauze", the expression "of not less than 7 mesh per linear centimetre" shall be inserted.

[No. 37(13)/67-Tech.]

S. R. SUNDARAM, Dy. Secy.

NOTIFICATION.

No. CI 281 GMI 67, Bangalore, dated 2nd December 1967.

The accompanying Notification No. 1-CA (13) 66, dated 7th September 1967 issued by the Institute of Chartered Accountants of India, Indraprashta Marg, New Delthi-1, is republished in the *Mysore Gazette*, for public information.

N. NARAYANASWAMY,

Under Secy. to Government,

202 *Commerce and Industries Department.*

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA.

POST BOX NO. 268,
INDRAPRASTHA MARG,
NEW DELHI-1.
7TH SEPTEMBER, 1967.

NOTIFICATION.

(CHARTERED ACCOUNTANTS)

No. 1-CA (13)/66.—In exercise of the powers conferred by sub-section (1) of Section 30 of the Chartered Accountants Act, 1949 (XXXVII of 1949), the Council of the Institute of Chartered Accountants of India has made the following amendments to the Chartered Accountants Regulations, 1964 the same having been previously published and approved by the Central Government as required under sub-section (3) of the said Section.

In the said Regulations :—

I. For the existing regulation 29, substitute the following :—

"29. **Engagement of articled clerks.**—(1) Only associates and follows who are in practice or who are deemed to be in practice within the meaning of the explanation to sub-section (2) of Section 2, shall, subject to the provisions of these Regulations, be entitled to train articled clerks as hereinafter provided.

(2) An Associate who has been in continuous practice for not less than three years, either before or after the commencement of the Act or partly before and partly after the commencement of the Act, shall be entitled to train or articled clerk.

(3) A member, other than one covered by sub-regulation (2), who is a partner in a firm of chartered Accountants in practice having at least one partner entitled to train articles clerk/s, shall be entitled to train on articled clerk.

(4) A member who is a full-time salaried employee of a chartered accountant in practice entitled to train articled clerk/s or of a firm of chartered accountants in practice having at least one partner entitled to train articled clerk/s shall be entitled to train one articled clerk.

(5) A fellow who has been in continuous practice for not less than 5 years, either before or after the commencement of the Act, or partly before and partly after the commencement of the Act, shall be entitled to train two articled clerks.

(6) A fellow who has been in continuous practice for a period of not less than 7 years, either before or after the commencement of the Act, or partly before and partly after the commencement of the Act, shall be entitled to train three articled clerks.

(7) A fellow who has been in continuous practice for a period of not less than 15 years, either before or after the commencement of the Act or partly before and partly after the commencement of the Act shall be entitled to train four articled clerks.

(8) A member in practice entitled to train one or more articled clerks under any of the sub-regulations (2), (5) (6) (7) shall be entitled to train as an additional articled clerk, a person who has passed the degree examination of a recognised University securing not less than 60% marks in the aggregate in the said examination :

Provided that if a member is in practice as a sole proprietor and is also a partner in one or more firms of chartered accountants in practice, he shall be entitled to engage such additional clerk only if the ratio of such additional clerks to the number of partners is maintained at one articled clerk for every two partners :

Provided further that if a member in practice is a partner in one or more firms of chartered accountants in practice he shall be entitled to engage such additional articled clerk only if the

ratio of such additional clerks to the number of partners is not higher than one articled clerk for every two partners.

Explanation I. For the purpose of calculating the percentage of marks, the marks secured in subjects in which a student is required by the regulations of the University or the examining body concerned to obtain only pass marks, and for which no special credit is given for higher marks shall be ignored.

II. For the purpose of the second proviso to sub-regulation (8) a member who is a partner in two or more firms of Chartered accountants in practice shall be counted as one while calculating the number of additional articled clerks that can be trained.

(9) A member who ceases to be in practice or gives up salaried employment under a chartered accountant in practice or a firm of such chartered accountants and who, at the time of discontinuance of practice or paid employment, as the case may be, has one or more articled clerk serving under him, shall not be eligible to take any articled clerk if he subsequently sets up practice or takes up salaried employment under a chartered accountant in practice or a firm of such chartered accountants, until such time as the articled clerk or clerks serving under him previously complete the period of articles intended to be served under him, had he not given up his practice or the salaried employment.

(10) A member shall be entitled to engage or train an articled Clerk only if he is in practice and such practice, in the opinion of the Council, is his main occupation.

(11) The Council may, subject to such terms and conditions as it may deem fit, relax any of the provisions of this regulation in any particular case."

II. For the existing sub-regulation (1) of regulation 48, substitute the following :—

"(1) Only associates and fellows who are in practice shall, subject to the provisions of these Regulations, be entitled to train audit clerks as thereinafter provided.

(2) A member who has been in continuous practice for not less than three years, either before or after the commencement of the Act or partly before and partly after the commencement of the Act, shall be entitled to train two audit Clerks.

(3) A member who is a fellow and who has been in continuous practice for not less than fifteen years, either before or after

the commencement of the Act or partly before and partly after the commencement of the Act, shall be entitled to train three audit clerks.

(4) The Council may, subject to such terms and conditions as it may deem fit, relax any of the provisions of this regulation in any particular case.

(5) A member shall be entitled to engage or retain an audit Clerk only if he is in practice and such practice, in the opinion of the Council, is his main occupation."

III. In regulation 48, renumber the existing Sub-regulations (2), (3), (4), (5), (6) and (7) as (6), (7), (8), (9), (10) and (11) respectively.

IV. In regulation 48, in the re-numbered sub-regulations (8), for the figures and brackets "(2) and (3)", substitute the figures and brackets "(6) and (7)."

V. In regulation 48, in the renumbered sub-regulations (10) and (11), for the figure and brackets "(5)", substitute the figures and brackets "(9)".

C. BALAKRISHNAN,

Secretary.

ELECTION COMMISSION OF INDIA.

TALKATORA ROAD,
NEW DELHI-1.

ORDER

Dated the 2nd December, 1967.

No. MY-LA/91/67 (1).—WHEREAS the Election Commission is satisfied that Shri A. Hanumiah, Arishinkunte, Nelamangala Kasaba Hobli, Nelamangala Taluk, a contesting candidate for election to the Mysore Legislative Assembly from 91-Nelamangala constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after due notice, has not given any reason or explanation for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri A. Hanumiah to be disqualified for being chosen, as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION OF INDIA.

TALKATORA ROAD,
NEW DELHI-1.

ORDER.

Dated the 2nd December, 1967.

No. MY-LA/91/67 (2).—WHEREAS the Election Commission is satisfied that Shri T. Gavi Thimmiah, Thimmasandra, Thyamagondlu Hobli, T. Begur Post, Nelamangala Taluk, a contesting candidate for election to the Mysore Legislative Assembly from 91. Nelamangala constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after due notice, has not given any reason or explanation for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri T. Gavi Thimmiah to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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NOTIFICATION.

No. FSD 142 DRM 67, Bangalore, dated the 11th December 1967.

Ordered that the accompanying Notification No. G.S.R. 1666, dated the 30th October, 1967 of the Government of India, in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) making further amendments to the Inter-Zonal Wheat and Wheat Products (Movement Control) Order, 1964 which has been published in the *Gazette of India*, Part II, Section III, sub-section (i), dated the 30th October 1967 be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

HARISARVOTHAM RAO,
Under Secy. to Govt.,
210 *Food, Civil Supplies and Labour Dept.*

GOVERNMENT OF INDIA

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION.

(Department of Food)

ORDER.

New Delhi, the 30th October 1967.

G. S. R. 1666.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Inter-Zonal Wheat and Wheat Products (Movement Control) Order, 1964, namely:—

1. This Order may be called the Inter-Zonal Wheat and Wheat Products (Movement Control) Sixth Amendment Order, 1967.

2. In the Inter-Zonal Wheat and Wheat Products (Movement Control) Order, 1964,—

(1) In clause 3, after the fourth proviso, the following proviso shall be inserted, namely :—

"Provided also that nothing contained in sub-clause (1) or sub-clause (2) shall apply to the export of wheat or any wheat product not exceeding five kilograms in weight in the aggregate by a *bona fide* traveller as part of his luggage in the case of zones other than the zones comprising (i) the State of Uttar Pradesh (Zone III), (ii) the State of Madhya Pradesh (Zone VI) and (iii) the State of Gujarat and the area comprising Daman and Diu in the Union territory of Goa, Daman and Diu and the Union territory of Dadra and Nagar Haveli (Zone X) and the import of wheat or any wheat product not exceeding five kilograms in weight in the aggregate so carried by a *bona fide* traveller into any zone.";

(2) in sub-clause (2) of clause 6, after item (viii), the following proviso shall be inserted, namely:—

"Provided also that nothing contained in clause 4 or clause 5 shall apply to the movement of wheat or any wheat product not exceeding five kilograms in weight in the aggregate by a *bona fide* traveller as part of his luggage in the case of zones other than the zones comprising (i) the State of Uttar Pradesh, (ii) the State of Madhya Pradesh and (iii) the State of Gujarat and the area comprising Daman and Diu in the Union territory of Goa, Daman and Diu, and the Union territory of Dadra and Nagar Haveli".

[No. 204 (IZWO) (1)/977/67-PY. II.]

R. BALASUBRAMANIAN, Jt. Secy.

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PART IV

Section 1—C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

ELECTION COMMISSION, INDIA.

Talkatora Road,
NEW DELHI, 1.
Dated the 5th December, 1967.

NOTIFICATION.

No. 82/MY/1/67.—In pursuance of Section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 20th October 1967, by the High Court of Mysore at Bangalore in Election Petition No. 1 of 1967.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Dated the 20th day of October, 1967.

Before

THE HON'BLE MR. JUSTICE G. K. GOVINDA BHAT.

Election Petition No. 1 of 1967.

A. C. Srikantiah Son of A. G. Chunchegowda, aged 31 years, Arakere, P.O. *via*., Mandya, Srirangapatna Taluk. ... *Petitioner.*

(By Sri V. S. Malimath)

Vs.

1. B. Doddabore Gowda, son of Boregowda, aged about 41 years, Yettagadahalli, Mandya Taluk.
2. L. Narasimhaswamy, son of Linganniah, aged about 30 years. Municipal Councillor, Srirangapatna. .... *Respondents.*
3. A. S. Bandi Siddegowda, B.Sc., LL.B., aged about 37 years, Arakere P. O. *via*., Mandya, Srirangapatna.

Respondent No. 1 by Sri S.G. Doddakalegowda and Respondents 2 in person and 3 being absent and unrepresented.

Election petition filed by the Petitioner under Section 81 of the Representation of the People Act, 1951 challenging the Election of the Respondent No. I, to the Mysore Legislative Assembly from Srirangapatna Constituency in

the 1967 General Elections and praying that (1) the election of Respondent No. 1 as Member of the Mysore Legislative Assembly from Srirangapatna Constituency in the 1967 General Elections be declared as void; (b) that the petitioner be declared duly elected as Number of the Mysore Legislative Assembly from Srirangapatna Constituency in the 1967 General Elections and; (c) That the cost of this petition be awarded to the Petitioner.

This Election Petition coming on for trial on Monday, 18th, Tuesday 19th, Wednesday 20th, Thursday 21st, Friday 22nd, Monday 25th, Wednesday 27th, days of September 1967 and Thursday 5th, Friday 6th, days of October 1967, in the presence of Sri V. S. Malimath, Advocate for the Petitioner, Sri V. Krishna Murthy and Sri S. G. Doddakalegowda, Advocate for Respondent No. 1 and Respondent No. 2 and Respondent 3 being absent and unrepresented, and this Election Petition having stood over for consideration, the Court made the following order this 20th day of October 1967.

ORDER

At the General Elections to the Mysore Legislative Assembly held in February 1967, the Petitioner and Respondents 1 to 3 contested the Election for the seat from No. 101 Sreerangapatna Assembly Constituency. The poll took place on 15th February 1967 and counting was held on 22nd February 1967 at the Taluk Board Office, Sreerangapatna. As a result of the said count, it was found that the candidates had secured the following number of valid votes:

Respondent No. 1	....	13,882
Petitioner	....	13,795
Respondent No. 2	....	4,332
Respondent No. 3	....	9,651
The rejected votes were		4,303.

Before the declaration of the result, the petitioner gave an application to the Returning Officer for recount of the votes and that application was granted; the recount was held on 23rd February 1967 from 11-30 A.M. till 1-30 P.M. As a result of the recount, Respondent No. 1 secured 13,883 valid votes and Petitioner 13,794 valid votes. There was no change in the number of votes secured by the other two candidates and the total number of rejected votes. Respondent No. 1 having secured a majority of votes, he was declared elected. On April 3, 1967 the petitioner preferred the above election petition challenging the election of Respondent No. 1; he has prayed for a declaration that the election of Respondent No. 1 be declared as void and he (the petitioner) be declared duly elected. The main grounds pleaded by the petitioner in support of his petition are :

(1) That 38 voters specified in Schedule 'E' to the Election Petition were dead before the date of the poll and that votes were cast by impersonation in the names of the said dead persons

(2) That there is discrepancy of 52 votes between the total number of ballot papers issued at all the polling stations and the number of ballot papers counted,

(3) That though recount was ordered there was merely a physical recount of the ballot papers but no scrutiny was done and opportunity to the Petitioner to raise objections to the validity of the ballot papers was not afforded, and

(4) That there was improper acceptance of about 1,500 invalid votes in favour of Respondent No. 1 and improper rejection of about 1,000 valid ballot papers of the Petitioner by the Assistant Returning Officer and the counting staff.

Respondents 2 and 3 remained absent and did not contest. Respondent No. 1 filed a written statement denying that there was any improper acceptance or improper rejection of votes or irregularity in the conduct of the count or recount. He denied that the Petitioner has secured a majority of valid votes ; Respondent No. 1 did not dispute the fact that 38 persons specified in Schedule 'E' to the Election Petition were dead on the date of the poll. but he denied that there was any impersonation of the said persons and that he has secured the votes of the dead voters by impersonation. Respondent No. 1 also did not dispute the fact alleged by the petitioner that there was no scrutiny of the valid votes of the candidates at the recount ; he contended that the petitioner having sought recount of rejected votes only, the Returning Officer had ordered recount of the rejected votes besides recount of valid votes of any booth if demanded and that the petitioner did not make any demand for recount of the valid votes of any booth and therefore, there was no need to recount the valid votes of all or any of the booths. Respondent No. 1 contended that the election petition lacks particulars of the disputed ballot papers alleged to have been improperly accepted or rejected and therefore the pleading is defective.

At the time of settlement of issues, the learned counsel for Respondent No. 1 submitted that his client does not dispute the fact that 38 persons mentioned in Schedule 'E' to the election petition were dead on the date of the poll and that no issue need be raised whether the said persons were dead. The Petitioner's learned counsel submitted that the petitioner does not allege any corrupt practice against Respondent No. 1 of having secured votes by impersonation and that all that he contends is that 38 void votes have been received and the said votes will have to be rejected after scrutiny if recount is allowed.

The Following issues were settled :

(1) Does the Election Petition contain an adequate statement of material facts for scrutiny and recount of votes ?

(2) Whether the Election Petitioner has made out a *prima facie* case for inspection, scrutiny and recount of ballot papers ?

(3) Whether the result of the election, in so far as it concerns Respondent No. 1, has been materially affected by improper reception, refusal or rejection of any vote or reception of any vote which is void ?

*(4) Whether the result of the election of Respondent No. 1 has been materially affected by any non-compliance with the provisions of Rule 63(5) of the Conduct of Election Rules, 1961 ?

* [This issue is deleted as per order dated 27th September 1967 on the submission of the learned counsel for the petitioner that he has urged the ground of non-compliance with the provisions of Rule 63(5) of the Conduct of Election Rules, 1961 hereinafter called the 'Rules'-only as a ground for inspection, scrutiny and recount of ballot papers and not as a ground for setting aside the election of Respondent No. 1. Consequent on the deletion of this issue, the next issues Nos. 5 and 6 were renumbered as Issues Nos. 4 and 5].

(4) Whether the Election Petitioner is entitled to a declaration that the election of Respondent No. 1 is void and for a further declaration that the election petitioner is duly elected ?

(5) What reliefs ?

The Petitioner examined seven witnesses besides himself and Exhibits P–1 to P–131 were marked for him. Respondent No. 1 examined two witnesses besides himself and Exhibit R–1 was marked for him.

After evidence was closed and arguments had commenced, the Election Petitioner filed an application

for amendment of his election petition seeking to add two paragraphs as paragraphs IV (12) and IV (13). That application was allowed by order made on 5th October 1967. By the said amendment the petitioner sought to give an explanation for not giving the serial numbers of the disputed ballot papers and that explanation was that the Returning Officer Sri Basaviah had instructed the candidates, their agents and the counting staff not to note down the serial numbers of the ballot papers on the ground that the same would violate the secrecy of the ballot. The petitioner had sought a general recount of the valid ballot papers as also of the rejected ballot papers from all the polling stations. By the amendment, he gave up his case for inspection, scrutiny and recount of the rejected ballot papers and restricted his prayer in respect of the valid ballot papers of Respondent No. 1 from nine polling stations only. Respondent No. 1 filed an additional written statement denying that any instructions were given by the Returning Officer not to note down the serial numbers of the ballot papers by the candidates and their counting agents; but he did not press for any additional issue being raised on the controversial fact. The parties also did not adduce any fresh evidence and the evidence already on records was treated by both sides as sufficient.

Inspection of the marked copies of the electoral rolls relating to the voters mentioned in Schedule 'E' to the election petition was allowed by me. On inspection it was found that ten ballot papers only were issued against the names of the dead voters; the serial numbers of the said ballot papers are given in the joint memo filed by the learned counsel for the parties. In the event of recount of votes being allowed the said ten ballot papers will have to be rejected as void votes. The petitioner has prayed for inspection, scrutiny and recount of the valid ballot papers of Respondent No. 1, received from the nine polling Stations specified in para IV (13) of the election petition for proving that there has been improper reception of invalid votes in favour of Respondent No. 1 and that the petitioner has

received a majority of valid votes. Petitioner's case that he has received a majority of valid votes depends entirely on his making out a *prima facie* case for inspection, scrutiny and recount.

The law is that an order for inspection, scrutiny and recount of ballot papers cannot be granted as a matter of course. In order to justify an order for inspection, scrutiny and recount, two conditions have to be satisfied, *viz.*, (a) the election petition must contain an adequate statement of the material facts on which the petitioner relies in support of his case; and (b) the Court has to be *prima facie* satisfied that in order to decide the dispute and to do complete justice between the parties, inspection of the ballot papers is necessary. An order for inspection of ballot papers cannot be granted to support vague pleas made in the election petition not supported by material facts or to fish out evidence to support such pleas. The power to order inspection, scrutiny and recount of ballots vests in the Court as ancilary to the proper determination of the result of an election. The Court will not, on the mere suspicion and demand of an election petitioner and without any extrinsic evidence tending to impeach the regularity of integrity of the official count, order a recount of the ballots, but will require the petitioner to show in advance some evidence of fraud or misconduct of the counting officials reasonably calculated to overcome the *prima facie* presumption of the regularity and correctness of official action. The petitioner therefore has to make out a *prima facie* case that an order for inspection is necessary in the interests of justice in order to decide the dispute.

(1) In Ganji Veerappa *v.* H. Siddaveerappa following the decisions of the Supreme Court in Ram Sewak *v.* H. K. Kidwai (2) and Jagjit Singh v. Kartar Singh, (3) I have stated that it is not sufficient if the election petition

(1) E.P. No. 5 of 1967 decided on 10th August 1967.

(2) A.I.R. 1964 S.C. 1249.

(3) A I.R. 1966 S.C. 773.

contains a vague plea that invalid votes have been improperly accepted or valid votes have been improperly rejected or that the counting and examination of votes was done in a very irregular manner and that the petitioner ought to plead the nature of the objections raised by him or his election agent and the ballot papers to which those objections related.

The petitioner has not given in his election petition the serial numbers of the ballot papers which according to him were improperly received for Respondent No 1. In paragraphs (iii), (iv) and (v) he has alleged the nature of the objections and the total number of the ballot paper that were objected. The Petitioner has not stated that he and his counting agents had no opportunity to examine the ballot papers. By the amendment introduced into the election petition, he has alleged that the Returning Officer instructed the candidates and their counting agents not to note down the serial numbers of the ballot papers and therefore he could not give the serial numbers of the objectionable ballot papers.

P.W. 1 H. C. Shivappa one of the Counting Supervisors and P. W. 3 Basaviah the Returning Officer have both supported the case of the petitioner in this regard. This is what P.W. 3 has stated:

> " Before counting started, I read out the relevant rules regarding the maintenance of secrecy of ballot. I had told them that it is not permissible to note down the serial numbers of the ballot papers."

In Cross Examination the said witness has stated:

> " The instructions that I gave regarding the secrecy of the ballot papers apply not only to the counting staff but also to the counting agents."

P.W. 1 Shivappa the counting Supervisor has stated:

> "On instructions to maintain secrecy of ballot, I did not allow the counting agents to note the serial numbers of the ballot papers."

Respondent No. 1 has not suggested any motive for P. Ws. 1 and 3 to swear falsely. P. W. 3 apparently misunderstood the provisions of Section 128 of the Act and gave wrong instructions forbidding the noting down of the serial numbers of the disputed ballot papers. The candidates and their counting agents are not precluded by the provisions of Section 128 of the Act or any other provision from noting down the serial numbers and other particulars of the disputed ballot papers at the time of the counting. It is rather unfortunate that P.W. 3 mis-construed the provisions of Section 128 of the Act and gave wrong instructions. I believe the evidence of P.Ws. 1 and 3 when they say that instructions were given to the candidates and their counting agents not to note down the serial numbers of the ballot papers. Consequently, the petitioner was prevented from noting down the serial numbers of the disputed ballot papers alleged to have been improperly received; but there was no bar to the petitioner to plead precisely the number of disputed ballot papers and the nature of his objections with refrence to each polling station. The explanation given in the evidence of the petitioner that he believed that he was forbidden to note down even the polling station numbers cannot be belived.

The main ground pleaded for recount is that despite an order for recount, the Assistant Returning Officer failed to scrutinize the ballot papers as he was required under law and therefore Rule 63 (5) has been contravened. The pleadings on that ground and the ground of reception of void votes are clear and do not lack adequate statement of material facts.

The next question is whether the petitioner has made out a *prima facie* case for inspection, scrutiny and recount

of the ballot papers of Respondent No. 1 in respect of the following nine polling stations:

	Polling Station No.	Name
1	5	... Kalenahalli
2	21	... Kothathi
3	22	... Kothathi
4	23	... Bevinahalli
5	25	... Cheeranaballi
6	26	... Guthalu
7	34	... Sunagahalli
8	35	... Bhoothanahosuru
9	36	... Thaggahalli

I will now deal with the four grounds urged in support of the petitioner's case.

His first ground is reception of void votes cast by impersonators. As stated earlier, on inspection it is noticed that only ten ballot papers were issued against the names of the dead voters mentioned in Schedule 'E' to the election petition. Out of the said ten ballot papers, four ballot papers were issued in Polling Station No. 25, three in Polling Station No. 21, two in Polling Station No. 24 and one in Polling Station No. 26. Since the margin of difference between the Petitioner and Respondent No. 1 is 89 votes, the reception of ten void votes, even assuming that all were cast in favour of Respondent No. 1, would not materially affect the result of the election, and therefore the fact that ten void votes have been cast and counted is not sufficient by itself to order inspection, scrutiny and recount.

The second ground is that there is discrepancy between the total number of ballot papers issued and the ballot papers found in the ballot boxes. Though in the election petition, the petitioner has stated that 52 ballot papers

have been unaccounted, both the learned counsel submitted after examination of Exhibits P-39 to P-110 that only 7 ballot papers were unaccounted. It is not the petitioner's case that any ballot papers cast in the ballot boxes were not counted. It is quite possible that when about 46,000 voters have cast their votes, 7 voters might have carried away the ballot papers without putting them into the ballot boxes intended for that purpose. I am unable to understand as to how the discrepancy of seven ballot papers is a ground for inspection, scrutiny and recount.

The third ground urged is that at the recount there was only physical recount done but not scrutiny as required by law. Though the petitioner has pleaded in his election petition that at the recount there was merely physical recount but no scrutiny and no opportunity was given to the counting agents of the petitioner to raise objections, Respondent No. 1 has not denied the said averment. In paragraph 3 of the written statement this is what Respondent No. 1 has stated:

> "The petitioner as per Ex. A sought for the recount of rejected votes only on which the Returning Officer ordered to recount the same in addition to recount of valid votes of any booth if demanded. Therefore the order is restrictive. The petitioner did not demand the recount of any valid vote of any booth. Consequently there was no necessity to recount the valid votes of all or any of the booths. The Returning Officer was right in not recounting the valid votes of all or any of the booths in the absence of specific demand from the petitioner. The recount was done according to law."

From the above pleading of Respondent No.1 it is clear that his case is that there was no demand for recount of the valid votes of any booth and therefore the Returning Officer was justified in not recounting the valid votes of all or any of the booths. Respondent No. 1 in his evidence has stated

that he signed the written statement with the knowledge that the statement made in paragraph 3 of his written statement was not correct. The evidence of R. Ws. 1 to 3 was to the effect that at the recount the valid votes of the candidates were properly scrutinised and no objections were raised by the counting agents of the petitioner. Respondent No. 1 is bound by his pleadings. He did not suggest to the Petitioner and his witnesses that there was no recount at all or that the Petitioner did not demand a recount of the valid votes. Since Respondent No. 1 has not disputed the averments made in the election petition that there was merely physical recount but not scrutiny of the ballot papers, the Petitioner's case has to be accepted.

The learned counsel for the Petitioner argued that the declaration of the result was made on the basis of the recount and when the recount was not done in accordance with Rule 56, there is contravention of Rule 63 (5) read with Rule 56, and the Petitioner is entitled to the recount.

Though the petitioner has succeeded in establishing that there has been non-compliance of the provisions of Rule 63 (5) read with rule 56, in order to succeed, he has to further establish that non-compliance of the said Rules has materially affected the result of the election. The petioner has led no evidence to show that non-compliance of the provisions of Rule 63 (5) read with Rule 56 has materially affected the result of the election. The ground of non-compliance of the provisions of the said Rules has been urged only in support of the Petitioner's case for inspection, scrutiny and recount. Mere non-compliance of the provisions of Rule 63 (5) read with Rule 56 does not entitle the making of an order for inspection, scrutiny and recount. As stated earlier, the Court has to be satisfied that in order to decide the dispute between the parties regarding the reception of disputed votes and to do complete justice between the parties, inspection of ballot papers is necessary. The dispute between the parties is whether any invalid ballot papers have been received for Respondent No. 1 despite the objections of the Petitioner. When the Petitioner

applied for recount his grievance was only with regard to the rejection of his valid votes and no ground was urged that any invalid votes were improperly received for Respondent No. 1. Exhibit P-128 is the Petitioner's application to the Returning Officer for recount. That application reads:

"To

The Returning Officer,

Srirangapatna Constituency,

PANDAVAPURA.

Application under Section 63 (2) of the Conduct of Election Rules of 1961.

Sir,

I am a candidate for the Sreerangapatna Assembly Constituency. The returns of elections counting held on this day which is completed by 12-45 A.M. to-day (23-2-1967) is as follows:

1.	Sri Dodda Bore Gowda	....	13882
2.	Myself (A.C. Srikantaiya)	....	13794
3.	Sri A. S. Bandisiddegowda	....	9651
4.	L. Narasimha Swamy	....	4331
	The number of invalid votes	....	4303

As per the returns furnished the difference between myself and Sri Doddaboregowda is only 88. I feel doubt about the discretion used by the concerned authorities to invalidate the above number of votes. I am confident that I will get more valid votes if a recount is made, further there is—every likelihood of my success.

Therefore, I request you to with-hold the result and order for complet recount afresh.

I am prepared to deposit the necessary amount.

Yours faithfully,

(Sd.) A. C. Srikantaiya,

Sreerangapatna,
23-2-1967.

On the said application the Ruturning Officer made his order for recount which is Exhibit P–129. That order reads :

"PROCEEDINGS OF RETURNING OFFICER SREERANGAPATNA ASSEMBLY CONSTITUENCY.

No. ELN. 70/66-67, Dated 23rd February 1967

Read :

1. Application dated 22 February 1967 by Sri A. C. Srikantaiya, contesting candidate for Sreerangapatna Assembly Constituency requesting for a recount of votes.

2. Objection petition of Sri A. S. Bandisiddegowda, Sri L. Narasimha Swamy and Sri B. Doddaboregowda, other contesting candidates of the Sreerangapatna Assembly constituency objecting to the recount.

ORDER.

After a careful examination of all aspects of the matter, a recount of the invalid votes is ordered at 11-30 A.M. on 23-2-1967 in the Taluk Board Office, Sreerangapatna as per Section 63(3) of the Conduct of Election Rules, 1961, as the margin of votes between the Petitioner Sri A. C. Srikantaiya and Sri B. Doddaboregowda is small. If any of the candidates or his agent wants the recounting of the valid votes also in respect of any polling station, the same is also ordered to be done.

There will be ten tables for the recounting of these votes and the candidates are permitted to appoint one agent for each counting table and one extra agent in addition to the candidates.

H. Basaviah,
Returning Officer, 23/2
Sreerangapatna Assembly
Constituency."

Copy to all the contesting candidates Srirangapatna Assembly Constituency for information.

It will be seen from Exhibit P-129 set out above that the Returning Officer has given no reason for allowing recount of the valid votes of the candidates when the ground urged in the application was only for recount in respect of the rejected votes.

H. Basavaiah,
Returning Officer, 23/2
Sreerangapatna Assembly
Constituency."

Rule 69(2) states:

"..... .....

a candidate or, in his absence, his election agent or any of his counting agents may apply in writing to the returning officer to recount the votes either wholly or in part, stating the grounds on which he demands such recount."

Sub-Rule (3) of Rule 63 states:

"On such an application being made the returning officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable."

Sub-Rule (4) states:

"Every decision of the Returning Officer under sub-rule (3) shall be in writing and contain the reasons therefor."

In the instant case there was no application in writing made to the Returning Officer to recount the valid votes of the candidates. Ext. P-129 states that if any of the candidates or his agent wants the recounting of the valid votes also in respect of any polling station, the same is also ordered to be done. There is no application in writing made by any candidate for recount of the valid-votes in respect of any polling station. The petitioner has stated in his evidence that he orally asked for recount of the valid votes. When the law requires an application in writing to recount the votes, the Returning Officer had no jurisdiction to order recount of the valid votes in the absence of written application. The only reason given in Ext. P-129 for allowing recount is the small margin of difference. P. W. 3 has also stated in his evidence that was the only reason for allowing recount. A small margin of difference by itself is not a sufficient

ground for allowing recount under Rule 63. According to the first count, the margin of difference was 83 votes between the petitioner and Respondent No. 1. Exhibit P-128 does not purport to be an application for recount of all the ballot papers from all the booths; by the said application the petitioner sought merely scrutiny and recount of the rejected ballot papers. The Returning Officer P. W. 3 also understood the Petitioner's application as one for recount of the rejected ballot papers and that is clear from a perusal of his order Exhibit P-129 that the Petitioner had not made even an oral application as stated by him, for recount of the valid ballot papers. P. W. 3 by his order gave an open offer to recount the valid ballot papers if any of the candidates desired. Such an order is not contemplated by the law. Even after P. W. 3 made such an order there was an application in writing by the Petitioner or any other candidate for recount of the valid ballot papers. There is also no order in writing directing recount of the valid ballot papers. Taking advantage of the order in Exhibit P-129 the petitioner appears to have orally asked for recount of the valid ballot papers and that request was orally granted by P. W. 3. Under Rule 63 referred to earlier, an order for recount has to be made in writing and it must contain the reasons therefor. There being no order in writing for recount of the valid ballot papers, there was no legal order for recount of the valid ballot papers and therefore the Petitioner can have no grievance if the said ballot papers were not scrutinised and there was merely physical recount. In my opinion, the Petitioner is taking advantage erroneous order made by P. W. 3 and seeking recount with a view to fish out materials in support of a general plea set out in the election petition that there was improper reception of about 1,500 ballot papers. In the circumstances of the case the failure to scrutinise the valid ballot papers and recount does not justify an order for inspection, scrutiny and recount in this election petition.

The last ground urged is that there was improper reception of about 1,500 invalid votes in favour of Respondent No. 1. As stated earlier the petitioner has given up his case that there was improper rejection of about 1,000 valid ballot papers of his. It is stated in subparas 3, 4, and 5 of para IV of the election petition that 4,700 ballot papers which should have been rejected under clauses (b) (c) and (d) of sub rule (2) of Rule 56 have been improperly accepted in favour of Respondent No. 1. But according to the allegations contained in para III (b) of the election petition objections were raised in respect of about 1,500 invalid ballot papers improperly accepted in favour of Respondent No. 1. In sub-para (c) of para III, the petitioner has alleged that the total number of the ballot papers in respect of which objections were raised by the Petitioner and his counting agents amount to about 2,500. In his evidence the petitioner (P. W. 8) has stated that objections were raised to the reception of about 1,500 invalid ballot papers. The inconsistency between the allegations in paras III and IV of the election petition as to the number of invalid ballot papers alleged to have been improperly received, has not been explained at all. The petitioner has also not explained how he has arrived at the figure of 1,500 votes. It is not his case that any record was maintained by him or his counting agents concering the disputed ballot papers.

The evidence of the petitioner and his counting agents P. Ws. 2 and 7 is to the effect that objections were raised at the time of sorting when the counting supervisors put invalid ballot papers in the tray reserved for Respondent No. 1, but the counting supervisors disregarded the said objections saying that the petitioner or his counting agents may raise the objections at the close of the count and further, that the petitioner complained to the Returning Officer who also told him that he can raise his objections

at the end. This is what the petitioner as P. W. 8 has stated :

"I was present through out the counting. I was moving about and listening to my counting agents regarding the complaints they had. My counting agents complained that the counting supervisors were putting in the trays of R-1 ballot papers which ought to go to the doubtful trays, despite their objections. I also observed that invalid ballot papers were put in the trays of R-1. I complained orally to the R. O. He told me that I may raise all objections at the conclusion of the counting and that I should not disturb during the progress of the count. To the best of my knowledge, about 1,500 invalid B. papers were included in the trays of R-1. The counting Supervisors stated that they were instructed to treat as valid those B. papers where one cross mark is clear. As counting of each polling station was over, the ballot papers from each counting table were sent to the A. R. Os. table with the Form 16 account. The A. R. O scrutinised the ballot papers contained in the doubtful bundle and decided what are valid ballot papers and what are invalid. I was present when the A. R O. scrutinised the ballot papers, I contended that about 1,500 ballot papers treated as invalid for me were valid and ought to be taken into account in my favour. With respect to the valid ballot paper bundles of the candidates, the A. R. O. verified the correctness of the number in respect of all bundles. I asked the A. R. Os to scrutininse the valid ballot paper bundles to see whether they contained invalid ballot papers. That request was rejected. The A. R. Os told me that I may give my objection at the end of the count in writing,"

The petitioner's case as alleged in his pleadings is different from what he has stated in his evidence. This is what he has pleaded para III (b) of the election petition:

> "The counting commenced on 22nd February 1967 at about 9 A.M. after the completion of the preliminary work and was completed at about 1 A.M. on 23rd February 1967. The work of the scrutiny and counting of the votes was done mainly by Sri Nanjunda Rao, Assistant Returning Officer, assisted by his subordinate officials. The Returning Officer Sri B. Basavaiah was mainly attending to the counting of the Parliamentary Constituency. The Assistant Returning Officer, Sri Nanjunda Rao, as well as the subordinate members of the staff were so much tired and exhausted that it was humanly impossible to bestow their best care and attention in regard to the work of scrutiny and counting of the votes. Whenever objections were raised by the Petitioner and his Polling Agents, they were either ignored or summarily rejected without bestowing any thought or attention. This was mainly due to the officials having overworked and strained themselves the previous day in respect of the counting and scrutiny of the votes pertaining to Pandavapur Constituency. If only the objections raised by the Petitioner and his Polling Agents were considered by the Assistant Returning Officer and if only they had applied their mind a little carefully, they would have certainly declared nearly 1600 votes as valid and counted them in favour of the Petitioner which have now been rejected as being invalid votes. Likewise about 1500 votes which have gone in favour of Respondent No. 1 would have been rejected as being invalid if only the objections raised by the Petitioner and his agents were considered and if only the A.R.O. had applied his mind to those ballot papers with care and caution".

The petitioner has not alleged in his election petition that he had asked the assistant Returing Officers to scrutinise the valid ballot paper bundles which request was rejected and they told him to give his objections at the end of the count in writing and further that the Assistant Returning Officers merely varified the correctness of the number of ballot papers contained in the bundles sent up by the counting Supervisors. If the Assistant Returning Officers has failed to scrutinise the valid ballot paper bundles sent up by the counting supervisors after sorting, it is a serious dereliction of duty and the petitioner would not have failed to mention the same in his application for recount and also in the election petition. The Petitioner's evidence that the Assistant Returning Officers did not scrutinise the valid ballot paper bundles sent up by the counting supervisors is patently false as could be seen from the Form No. 16 accounts exhibits P-39 to exhibit P-110. Form No. 16 accounts according to the evidence were filled up by the counting supervisors in respect of each polling station after sorting the ballot papers of that particular polling station. Form No. 16 account and the ballot papers duly sorted were sent by the counting supervisors to the table of the Returning Officer for scrutiny. The scrutiny was done by the Assistant Returning Officers. It is admitted that the doubtful ballot papers were serutinised by the Assistant Returning officers after giving an opportunity to the candidates to have their say. According to the petitioner's evidence, the Assistant Returning Officers merely verified the number of ballot papers contained in the valid ballot papers bundles of the candidates and they did not scrutinise them to see if they contained invalid ballot papers. Exhibits P-48, P-61, P-68, P-71, P-75, P-86, P-87, P-99 and P-109 are the form No. 16 accounts relating to polling station Nos. 10, 23, 30, 35, 37, 48, 49, 61 and 71 respectively. These ballot paper accounts show that some of the ballot papers contained in the valid ballot paper bundles of the candidates were rejected as invalid votes after scrutiny by the Assistant Returning Officers. From Exhibit P-48

it is seen that the total number of doubtfull ballot papers sent by the counting supervisor was 60 and that the valid ballot paper bundle of Respondent No. 3 contained 73 ballot papers; one out of the said 73 ballot papers on scrutiny was rejected by the Assistant Returning Officer. From Exhibit P-61, it is seen that two ballot papers contained in the bundles of Respondent No. 1 were rejected as invalid on scrutiny. Exhibit P-68 shows that three ballot papers of Respondent No. 1 and one ballot paper of Respondent No. 3 were rejected after scrutiny. Exhibit P-71 shows that four ballot papers of Respondent No. 1, one ballot paper of Respondent No. 2 and three ballot papers of the petitioner were rejected after scrutiny. Exhibit P-75 shows that five ballot papers of Respondent No. 1, one ballot paper of Respondent No. 2 and two ballot papers of the petitioner were rejected after scrutiny. Exhibit P-86 shows that two ballot papers of Respondent No. 3 were rejected after scrutiny. Exhibit P-87 shows that one ballot paper of Respondent No. 2 and one ballot paper of Respondent No. 3 were rejected after scrutiny. Exhibit P-99 shows that one ballot paper of the petitioner was rejected as invalid after scrutiny. Exhibit P-109 shows that one ballot paper of the petitioner was rejected after scrutiny. Thus, a perusal of Exhibits P-39 to P-110 shows that the ballot papers were scrutinised by the Assistant Returning Officers and the evidence of the petitioner in this regard is palpably false.

The non-mention of any improper reception of votes and a prayer for scrutiny of the valid ballot papers in the petitioner's application Exhibit P-128 for recount is also significant. If as stated by him in his evidence that the Assistant Returning Officers had told him that he may give his objections in writing at the end of the count. he would not have failed to state in Exhibit P-128 that a large number of invalid ballot papers were improperly accepted for Respondent No. 1 and that he claims scrutiny and recount of the said ballot papers.

The petitioner has prayed for recount of the valid ballot papers of Respondent No.1 in respect of nine polling stations

specified in para IV (13) of the election petition. P.W.1 Shivappa was the counting Supervisor at Table No. 5 at the original count. The ballot papers from polling stations Nos. 5, 25 and 35, besides some others, were sorted by P.W.1 at Table No.5. P.W.1 has stated that whenever the counting agents raised any objections, he put the ballot papers concerned in the doubtful tray and that it is only when there was no objection by any of the candidates that he put the ballot papers in the tray of the candidates. P.W.1 also was one of the counting supervisors at the recount.

He has stated that at the time of recount he did not notice any doubtful ballot papers. Nothing is suggested as to why I should not believe the evidence of P.W.1. The petitioner has not examined his counting agent at table No .5. Apart from the interested testimony of the petitioner there is no evidence to support his case that any doubtful ballot papers were put in the tray of Respondent No.1 at Table No. 5 when the papers received from polling station Nos. 5, 25, 35 were sorted. The ballot boxes from Polling Station No.22 was opened at Table No .2. The petitioner's counting agent at Table No .2 at the time of the first count has not been examined. Respondent No. 1 has examined his counting agent as R.W.1 who has stated that no doubtful ballot papers were put in the tray of Respondent No. 1.

The ballot boxes from Polling Section Nos. 21, 26 and 36 were opened and the ballot papers were sorted at Table No. 1. P.W.2 was the petitioner's counting agent at the said table. He has stated that he had raised objections to some of the ballot papers put in the tray of Respondent No.1 and the counting supervisor had disregarded his objections in respect of about 500 ballot papers in all. The counting Supervisor at Table No.1 was one Keshava Murthy, Head Master of the Municipal High School, Sreerangapatna. P.W.2 is the secretary of the Managing Committee of that School. No bias is alleged against the counting Supervisor Sri Keshava Murthy. P.W.7 was one of the counting agents of the petitioner at the original count as also recount. He

also supports the evidence of the petitioner. In his cross-examination he has admitted that he cannot give the polling station numbers regarding which he had raised objections at the original court. P.Ws. 2 and 7 have also not stated the nature of the objections they had raised. The petitioner has not alleged any bias or other ground tending to impeach the integrity of the counting officials. He has also not alleged that at the original count him self and his counting agents were denied the opportunity of examining the ballot papers. From the evidence I am satisfied that there was no irregularity in the first count and that the Assistant Returning Officers had scrutinised both the valid and doubtful ballot papers. None of the grounds urged by the petitioner are sufficient in my opinion to order inspection, scrutiny and recount of the ballot papers of Respondent No. 1.

My finding on Issue No. 1 is that the election petition contains adequate statement of material facts for scrutiny and recount of votes, but on Issue No. 2, I hold that the election petitioner has not made out a *prima facie* case for inspection, scrutiny and recount of the ballot papers. In view of my finding on Issue No. 2, the petitioner's prayer for inspection, scrutiny and recount of ballot papers is rejected. Consequent on the rejection of the petitioner's prayer for inspection, scrutiny and recount, Issue Nos. 3 and 4 have to be answered against the petitioner.

In the result the election petition fails and is dismissed with costs of Respondent No. 1. Advocate's fee Rs 250.

G. K. GOVINDA BHAT.
JUDGE.
20-10-1967.

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

NOTIFICATION.

No. FCL 126 FSU 67, Bangalore, dated the 13—16th December 1967.

Ordered that the accompanying Order/Notification Nos. G.S.R. 1736, 1750 and 1752/ESS. Com./Sugar, dated 13th and 20th November, 1967 respectively issued by the Ministry of Food, Agricul ture, Community Development and Co-opera-tion (Departemnt of Food), Government of India, under section 5 of the Essential Commodities Act, 1955 (10 of 1955), and Clause 4 of the Sugar (Control) Order, 1966, which have been published in the *Gazette of India*, Extraordinary Part II, Section 3, sub-section (i), dated the 13th and 20th November, 1967, respectively be republished in the *MysoreGazette*, for general information.

By Order and in the name of the Governor of Mysore,

HARISARVOTHAM RAO,
Under Secretary to Government,
Food, Civil Supplies and Labour Department.

GOVERNMENT OF INDIA.

Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food)

ORDER.

New Delhi, the 13th November 1967.

G. S. R. 1736/Ess.Com./Sugar:—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby directs that the powers conferred on it by clause (f) of sub-section (2) of section 3 of the said Act shall be in respect of sugar, be exercisable also by the Chief Director, the Additional Chief Director, an Officer on Special Duty, a Director or a Deputy Director in the Directorate of Sugar and Vanaspati, Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food).

[No. 1-69/67-SCI].

GOVERNMENT OF INDIA.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

(Department of Food)

NOTIFICATION

New Delhi, the 20th November 1967.

G.S.R.1750/Ess. com./Sugar.—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955, (10 of 1955), read with clause 15 of the Sugar (Control) Order, 1966, the Central Government hereby directs that the powers conferred upon it by clauses 4, 5, 6, 10, and 11 of the said order shall be exercisable also by the Chief Director, Additional Chief Director, an Officer on Special Duty, a Director or a Deputy Director in the Directorate of Sugar and Vanaspati, Ministry of Food, Agriculture, Community Development and Cooperation (Department of Food).

2. This Notification shall come into force with effect from the 23rd November, 1967.

[No. 1-64/67-SCI.]

K. L. PASRICHA, Jt. Secy

GOVERNMENT OF INDIA

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION

(Department of Food)

ORDER

New Delhi, the 20th November 1967.

G.S.R.1752/Ess. Com./Sugar.—In exercise of the powers conferred by clause 4 of the Sugar (Control) Order, 1966, the Central Government hereby directs that no producer of sugar by vacuum pan process shall sell or agree to sell or otherwise dispose of or deliver or agree to deliver sugar or remove sugar from the bonded godowns of the factory in which is is produced except under and in accordance with a direction issued in writing by the Central Government.

2. This order shall come into force with effect from the 23rd November, 1967.

[No. 1-64/67-SCI].

COMMERCE AND INDUSTRIES SECRETARIAT

NOTIFICATION

No. CI 265 GRI 67, Bangalore dated 14th December 1967.

The accompanying Notification No. 5-CA(1)/35/67-68 dated 16th November 1967, issued by the Institute of Chartered Accountants of India, New Delhi is republished in the *Mysore Gazette* for public information.

By Order and in the name of the Governor of Mysore,

N. NARAYANASWAMY, *Under Secretary to Government, C. and I. Dept.*

GOVERNMENT OF INDIA.

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

Post Box No. 268, Indraprastha Marg,

New Delhi-1.

NOTIFICATION.

Dated 16th November 1967.

No. 5-CA(1)/35/67-68 With reference to this Institute's Notification No. 4-CA (1)/24/67-68 dated the 7th October 1967, it is hereby notified in pursuance of Regulation 18 of the Chartered Accountants Regulations, 1964, that in exercise of the powers conferred by Regulation 17 of the said Regulations, the Council of the Institute of Chartered Accountants of India has restored to the Register of Members with effect from the 13th November, 1967, the name of Shri L. S. Gundu Rao, A. C. A., 164, Sampige Road, Malleswaram, Bangalore-3 (Membership No. 8039).

ELECTION COMMISSION OF INDIA

TALKATORA ROAD,
NEW DELHI-1.

ORDER

Dated the 12th December 1967.

No. MY-LA/185/67.—Whereas the Election Commission is satisfied that Shri Padki Shankararao Bindurao, Post and at Saundatti, Belgaum District, a contesting candidate for election to the Mysore Legislative Assembly from 185-Parasgad constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Padki Shankararao Bindurao to be disqualified for being chosen as, and for being, a member of the either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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ELECTION COMMISSION OF INDIA.

TALKATORA ROAD,
NEW DELHI-1,

Dated the 16th December, 1967.

ORDER

No. MY-LA/6/67.—Whereas the Election Commission is satisfied that Shri Bhimrao Chitambar, Chitguppa, Taluka Humnabad, District Bidar, a contesting candidate for election to the Mysore Legislative Assembly from 6. Baswakalyan constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10 A of the said Act, the Election Commission hereby declares the said Shri Bhimrao Chitambar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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ELECTION COMMISSION OF INDIA.

TALKATORA ROAD,
NEW DELHI-1.

Dated the 14th December, 1967.

ORDER

No. MY-LA/163/67.—WHEREAS the Election Commission is satisfied that Shri Rama Gopala Naik, Bhavikeri, Ankola, North Kanara, Karwar, a contesting candidate for election to the Mysore Legislative Assembly from 163-Ankola constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, the said candidate, even after due notice, has not given any reason or explanation for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Rama Gopala Naik to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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(EXTRAORDINARY)

PART IV—1-C

BANGALORE, FRIDAY, DECEMBER 30, 1966 (PUSHYA 9, SAKA ERA 1888). | No. 221

LAW SECRETARIAT

NOTIFICATION.

No. LAW 29 EPS 66, Bangalore, dated 24th December 1966 (Pushya 3, Saka Era 1888.)

In exercise of the power conferred by Section 166 of the Representation of the People Act, 1951 (Central Act 43 of 1951) and in partial modification of the Notification No. LAW 29 EPS 66, dated 23th October 1966, the Government of Mysore hereby directs that the following additions and substitutions shall be made in column Nos. 1 and 2 of the table of the said notification.

TABLE

Name of the Officer	Area
1	2
1 The Deputy Commissioner Bangalore District, Bangalore.	Bangalore District (including the Corporation of the City of Bangalore)
2 The Deputy Commissioner, Mysore District, Mysore.	Mysore District (including the City of Mysore).
3 The Deputy Commissioner, Dharwar District, Dharwar.	Dharwar District (including Hubli-Dharwar Municipal Corporation)
4 The Commissioner, Hubli-Dharwar Municipal Corporation, Hubli.	Hubli-Dharwar Municipal Corporation.

By Order and in the name of the Governor of Mysore,

M. K. SRINIVASA IYENGAR,

Additional Secretary to Government,
Law Department.

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PART IV—1-C

BANGALORE, SATURDAY, JANUARY 7, 1967
(PUSHYA 17, SAKA ERA 1888)

No. 6

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 29th December, 1966.
Pausa 8, 1888 (*Saka*)

NOTIFICATION.

In exercise of the powers conferred by sub-rule (1) of rule 5 of the Conduct of Elections Rules, 1961, the Election Commission hereby directs that the following further amendments shall be made in the notification No. 56/66 (S.O. 3667), dated the 1st December, 1966, namely :—

In the Table,—

(i) against the item "4. Gujarat", in column 2, below the entry 6, the entry "7. Horse" shall be inserted;

(ii) against the item '15. West Bengal", in column 2, below the entry 6, the entry "7. Horse" shall be inserted;

(iii) against the item "16. Delhi", in column 2, below the entry 6, the entry "7. Horse" shall be inserted; and

(iv) against the item "17. Goa, Daman and Diu", for the entry in columns 3 and 4 reading "4. Hand——United Goans", the following entries shall be substituted, namely :—

"4. Hand——United Goans (Sequeira Group)

5. Rising sun——United Goans (Furtado Group)".

[No. 56/66-IV]

By order,

K. S. RAJAGOPALAN,

Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, WEDNESDAY, JANUARY 11, 1967
(PUSHYA 21, SAKA ERA 1888)

No. 7

ELECTION COMMISSION, INDIA.

NOTIFICATION.

New Delhi, Dated the 7th January, 1967.

The following Order of the Election Commission is published for general information :—

ORDER No. 11 A

In exercise of the powers conferred by sub-section (1) of Section 11 of the Delimitation Commission Act, 1962, I hereby make the following corrections in the Delimitation Commission's Order No. 11, dated the 25th November, 1965, relating to the State of Mysore, namely :—

I. In Table B of the said Order,

(1) in item 120-Virajpet (ST), *for* the word " Amathinad ", the words " Amathi hobli " shall be *substituted* ;

(2) in item 121-Mercara, *for* the word "Amathinad ", the words " Amathi hobli " shall be *substituted* ;

(3) in item 131-Sullia (SC), *for* the existing entry, the entry "Sullia taluk ; and Kadaba firka (excluding the villages Palthady, Punachapady and Savanur) and Uppinangady firka (excluding the villages Kodipady, Padnur, Kabaka, Bannur, Chickamudnur, Bellipady, Kodimbady and Nekkilady) in Puttur taluk" shall be *substituted* ;

(4) in item 132–Puttur, *for* the existing entry, the entry "Puttur firka, the villages Palthady, Punachapady and Savanur in Kadaba firka and the villages Kodipady, Padnur Kabaka, Bannur, Chickamudnur, Bellipady, Kodimbady and Nekkilady in Uppinangady firka in Puttur taluk ; and Vittal firka in Bantwal taluk" shall be *substituted* ;

(5) in item 146-Mudigere (SC), *for* the word "Alur", the word "Aldur" shall be *substituted* ;

(6) in item 147-Chikmagalur, *for* the word "Alur", the word "Aldur" shall be *substituted.*

(7) in item 192-Gokak, *for* the words "Konnur town panchayat", the words "Konnur Town Panchayat Committee, Konnur Notified Area Gokak falls" shall be *substituted*

(8) in item 193-Arbhavi, *for* the words "Konnur town panchayat", the words "Konnur Town Panchayat Committee, Konnur Notified Area Gokak falls" shall be *substituted.*

II. In the Appendix to the Order,

(1) in item (5), *for* the entry "21-Awarad Buzarug", the entry "21-Kanganmardi" shall be *substituted* ;

(2) in item 31,

(i) *for* "6. Yedhadi" *read* "6. Yedthadi" ;

(ii) *for* "10. Kakunje" *read* "10. Kakkunje" ;

(iii) *for* "12. Avarsi" *read* "12. Avarshe" ;

(iv) *for* "14. Shirure" *read* "14. Shiroor" ;

(3) in item (35), *for* the figure and word "27. Ganguru", the figure and word "27. Hiriyur" shall be *substituted*;

(4) in item (48),

(i) *for* "3. Somanbatti" *read* "3. Somanhatti",

(ii) *for* "8. Myakanamardi" *read* "8. Mykalmardi".

K. V. K. SUNDARAM,
Chief Election Commissioner.

[No. 282/MY/66]

By order,
K. S. RAJAGOPALAN,
Secretary.

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PART IV—1-C

BANGALORE, FRIDAY, JANUARY 13, 1967 (PUSHYA 23, SAKA ERA 1888). | No. 9

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

(LEGISLATIVE DEPARTMENT)

NEW DELHI,
Dated the 13th January, 1967.
Pausa 23, 1888 (*Saka*).

NOTIFICATION.

S.O......Whereas it has been decided to hold a General Election for the purpose of constituting a new House of the People on the expiration of the duration of the existing house:

Now, therefore, in pursuance of the provisions contained in sub-section (2) of Section 14 of the Representation of the People Act, 1951, the President is pleased to call upon all parliamentary constituencies (other than those within the State of Kerala) to elect members in accordance with the provisions of the said Act and of the rules and orders made thereunder.

[No. F. 5 (5)/66-(II)-Elec.]

S. P. SEN VARMA.
Secretary to the Government of India.

ELECTION COMMISSION, INDIA.

NEW DELHI-1,

Dated the 13th January, 1967.
Pausa 23, 1888 (Saka).

NOTIFICATION.

No. 464/MY/66 (HP).—Whereas the President of India has, by notification published in the *Gazette of India*, on the 13th January, 1967, called upon all Parliamentary constituencies in the State of Mysore to elect members to the House of the People;

Now, therefore, in exercise of the powers conferred by section 30 of the Representation of the People Act, 1951, the Election Commission hereby appoints—

(i) with respect to each of the said elections—

(*a*) the 20th January, 1967, as the last date for making nominations;

(*b*) the 21st January, 1967, as the date for the scrutiny of nominations;

(*c*) the 23rd January, 1967, as the last date for the withdrawal of candidatures; and

(*d*) the 1st April, 1967, as the date before which the election shall be completed; and

(ii) with respect to the election by any parliamentary constituency specified in column 1 of the Table below, the date specified against it in column 2 thereof as the date on which a poll shall, if necessary, be taken in that constituency.

TABLE

S. No. and name of Parliamentary constituency		Date of poll
1		2
1	Bidar	... 15th February, 1967.
2	Gulbarga	... 19th February, 1967.
3	Raichur	... 15th February, 1967.
4	Koppal	... 19th February, 1967.
5	Bellary	... 15th February, 1967.
6	Chitradurga	... 19th February, 1967.
7	Tumkur	... 15th February, 1967.
8	Madhugiri	... 19th February, 1967.
9	Kolar	... 15th February, 1967.
10	Hoskote	... 19th February, 1967.
11	Bangalore	... 19th February, 1967.
12	Kanakapura	... 15th February, 1967.
13	Mandya	... 15th February, 1967.
14	Chamarajanagar	... 19th February, 1967.
15	Mysore	... 15th February, 1967.
16	Mangalore	... 19th February, 1967.
17	Udipi	... 15th February, 1967.
18	Hassan	... 15th February, 1967.
19	Chikmagalur	... 19th February, 1967.
20	Shimoga	... 15th February, 1967.
21	Kanara	... 15th February, 1967.
22	Dharwar South	... 19th February, 1967.
23	Dharwar North	... 15th February, 1967.
24	Belgaum	... 15th February, 1967.
25	Chikkodi	... 19th February, 1967.
26	Bagalkot	... 19th February, 1967.
27	Bijapur	... 15th February, 1967.

By order,

PRAKASH NARAIN,

Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

NEW DELHI,

Dated the 13th January, 1967.

NOTIFICATION.

No. 464/MY/66 (HP) (1).—In exercise of the powers conferred by Section 56 of the Representation of the People Act, 1951, the Election Commission hereby fixes the hours from 8 A.M. to 5 P.M. as the hours during which the poll shall, if necessary, be taken at the elections to the House of the People, to be held in the State of Mysore in pursuance of the President's notification published in the *Gazette of India*, Extraordinary, Part II, Section 3 (ii), dated the 13th January, 1967.

By order,

PRAKASH NARAIN,

Secretary to the Election Commission.

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV—1-C

BANGALORE, FRIDAY, JANUARY 13, 1967 (PUSHYA 23, SAKA ERA 1888). | No. 10

NOTIFICATION.

Bangalore, dated the 13th January 1967.

No. LAW 1 EPP 67.—WHEREAS it has been decided to hold a General Election in the State of Mysore for the purpose of constituting a new Legislative Assembly on the expiration of the duration of the existing Legislative Assembly;

Now, therefore, in pursuance of the provisions contained in sub-section (2) of Section 15 of the Representation of the People Act, 1951, the Governor of Mysore is pleased to call upon all assembly constituencies in the State to elect members in accordance with the provisions of the said Act and of the rules and orders made thereunder.

By Order of the Governor,

K. BALACHANDRAN,

Chief Secretary to Government.

ELECTION COMMISSION, INDIA.

NEW DELHI,

Dated the 13th January, 1967.

NOTIFICATION.

No. 464/MY/66 (LA).—WHEREAS the Governor of Mysore has, by notification published in the official gazette of the State on the 13th January, 1967, called upon all assembly constituencies in the State to elect members to the Legislative Assembly of Mysore;

Now, therefore, in exercise of the powers conferred by section 30 of the Representation of the People Act, 1951, the Election Commission hereby appoints—

(i) with respect to each of the said elections—

(*a*) the 20th January, 1967, as the last date for making nominations;

(*b*) the 21st January, 1967, as the date for the scrutiny of nominations;

(*c*) the 23rd January, 1967, as the last date for the withdrawal of candidatures; and

(*d*) the 25th February, 1967, as the date before which the election shall be completed; and

(ii) with respect to the election by any assembly constituency specified in column 1 of the Table below, the date specified against it in column 2 thereof as the date on which a poll shall, if necessary, be taken in that constituency.

TABLE

S. No. and name of Assembly Constituency			Date of poll
1			2
1	Aurad	...	15th February, 1967
2	Bhalki	...	15th February, 1967
3	Hulsoor	...	15th February, 1967
4	Bidar	...	15th February, 1967
5	Humnabad	...	15th February, 1967
6	Basavakalyan	...	15th February, 1967
7	Chincholi	...	19th February, 1967
8	Kamalapur	...	15th February, 1967
9	Alamd	...	15th February, 1967
10	Gulbarga	...	19th February, 1967
11	Afzalpur	...	19th February, 1967
12	Kalgi	..	19th February, 1967
13	Chittapur	...	19th February, 1967
14	Serum	...	19th February, 1967
15	Jewargi	...	19th February, 1967
16	Gurmitkal	...	19th February, 1967
17	Yadgir	...	15th February, 1967
18	Shahpur	...	15th February, 1967
19	Shorapur	...	15th February, 1967
20	Deodurg	...	15th February, 1967
21	Raichur	...	15th February, 1967
22	Kalmala	...	15th February, 1967
23	Manvi	...	15th February, 1967
24	Lingsugur	...	15th February, 1967
25	Sindhanur	...	19th February, 1967
26	Kushtagi	...	19th February, 1967
27	Yelburga	...	19th February, 1967
28	Gangavati	...	19th February, 1967
29	Koppal	...	19th February, 1967

S. No. and name of Assembly Constituency		Date of poll
1		2
30	Siruguppa	15th February, 1967
31	Kurugodu	15th February, 1967
32	Bellary	15th February, 1967
33	Hospet	19th February, 1967
34	Sandur	15th February, 1967
35	Kudligi	15th February, 1967
36	Hadagalli	19th February, 1967
37	Harapanahalli	15th February, 1967
38	Harihar	19th February, 1967
39	Davangere	19th February, 1967
40	Bharmasagara	19th February, 1967
41	Chitradurga	19th February, 1967
42	Jagalur	19th February, 1967
43	Molkalmuru	15th February, 1967
44	Challakere	15th February, 1967
45	Hiriyur	19th February, 1967
46	Holalkere	19th February, 1967
47	Hosadurga	19th February, 1967
48	Pavagada	19th February, 1967
49	Sira	19th February, 1967
50	Kallamballa	19th February, 1967
51	Gubbi	15th February, 1967
52	Chiknayakanahalli	15th February, 1967
53	Tiptur	15th February, 1967
54	Turuvekere	15th February, 1967
55	Kunigal	15th February, 1967
56	Huliyurdurga	15th February, 1967
57	Gulur	15th February, 1967
58	Tumkur	15th February, 1967
59	Koratagere	19th February, 1967

S. No. and name of Assembly Constituency			Date of poll
1			2
60	Madhugiri	...	19th February, 1967
61	Gowribidanur	...	19th February, 1967
62	Chikballapur	...	19th February, 1967
63	Sidlaghatta	...	15th February, 1967
64	Bagepalli	...	19th February, 1967
65	Chintamani	...	15th February, 1967
66	Srinivasapur	...	15th February, 1967
67	Mulbagal	...	15th February, 1967
68	Kolar Gold Fields	...	15th February, 1967
69	Bethamangala	...	15th February, 1967
70	Kolar	...	15th February, 1967
71	Vemagal	...	15th February, 1967
72	Malur	...	19th February, 1967
73	Malleswaram	..	19th February, 1967
74	Gandhinagar	...	19th February, 1967
75	Chickpet	...	19th February, 1967
76	Chamarajapet	...	19th February, 1967
77	Fort	...	19th February, 1967
78	Basavangudi	...	19th February, 1967
79	Shivajinagar	...	19th February, 1967
80	Bharathynagar	...	19th February, 1967
81	Shanthinagar	...	19th February, 1967
82	Yelahanka	...	19th February, 1967
83	Uttarahalli	...	19th February, 1967
84	Varthur	...	19th February, 1967
85	Kanakapura	...	15th February, 1967
86	Sathanur	...	15th February, 1967
87	Channapatna	...	15th February, 1967
88	Ramanagaram	...	15th February, 1967
89	Magadi	..	15th February, 1967

S. No. and name of Assembly Constituency		Date of poll
1		2
90 Kudur	...	15th February, 1967
91 Nelamangala	...	15th February, 1967
92 Doddaballapura	...	19th February, 1967
93 Devanahalli	...	19th February, 1967
94 Hoskote	...	19th February, 1967
95 Anekal	...	15th February, 1967
96 Nagamangala	...	15th Feb uary, 1967
97 Maddur	...	15th February, 1967
98 Kirugavalu	...	15th February, 1967
99 Malavalli	...	15th February, 1967
100 Mandya	...	15th February, 1967
101 Srirangapatna	...	15th February, 1967
102 Pandavapura	...	15th February, 1967
103 Krishnarajapet	...	15th February, 1967
104 Hanur	...	19th February, 1967
105 Kollegal	...	19th February, 1967
106 Bannur	...	19th February, 1967
107 T. Narasipur	...	15th February, 1967
108 Krishnaraja	...	15th February, 1967
109 Narasimharaja	...	15th February, 1967
110 Chamundeswari	...	15th February, 1967
111 Nanjangud	...	19th February, 1967
112 Biligere	...	19th February, 1967
113 Santhemarahalli	...	19th February, 1967
114 Chamarajanagar	...	19th February, 1967
115 Gundlupet	...	19th February, 1967
116 Heggadadevanakote	...	15th February, 1967
117 Hunsur	...	15th February, 1967
118 Krishnarajanagar	...	15th February, 1967
119 Periyapatna	...	15th February, 1967

S. No.	and name of Assembly Constituency		Date of poll
1			2
120	Virajpet	...	19th February, 1967
121	Mercara	...	19th February, 1967
122	Somwarpet	...	19th February, 1967
123	Belur	...	15th February, 1967
124	Arsikere	...	15th February, 1967
125	Gandasi	...	15th February, 1967
126	Sravanabelagola	...	15th February, 1967
127	Holenarsipur	...	15th February, 1967
128	Arkalgud	...	15th February, 1967
129	Hassan	...	15th February, 1967
130	Sakleshpur	...	15th February, 1967
131	Sullia	...	19th February, 1967
132	Puttur	...	19th February, 1967
133	Belthangady	...	19th February, 1967
134	Bantwal	...	19th February, 1967
135	Mangalore I	...	19th February, 1967
136	Mangalore II	...	19th February, 1967
137	Surathkal	...	15th February, 1967
138	Kaup	...	15th February, 1967
139	Udipi	...	15th February, 1967
140	Brahmavar	...	15th February, 1967
141	Coondapur	...	15th February, 1967
142	Baindur	...	15th February, 1967
143	Karkal	...	15 h February, 1967
144	Mudabidri	...	15th February, 1967
145	Sringeri	...	19th February, 1967
146	Mudigere	...	19th February, 1967
147	Chikmagalur	...	19th February, 1967
148	Birur	...	19th February, 1967
149	Kadur	...	19th February, 1967

S. No. and name of Assembly Constituency		Date of poll
1		2
150 Tarikere	...	19th February, 1967
151 Channagiri	...	15th February, 1967
152 Bhadravathi	...	15th February, 1967
153 Honnali	...	15th February, 1967
154 Shimoga	...	15th February, 1967
155 Thirthahalli	...	19th February, 1967
156 Hosanagar	...	15th February, 1967
157 Sagar	...	15th February, 1967
158 Sorab	...	15th February, 1967
159 Shikaripur	...	15th February, 1967
160 Sirsi	...	15th February, 1967
161 Bhatkal	...	15th February, 1967
162 Kumta	...	15th February, 1967
163 Ankola	...	15th February, 1967
164 Karwar	...	15th February, 1967
165 Haliyal	....	15th February, 1967
166 Dharwar Rural	...	15th February, 1967
167 Dharwar	...	15th February, 1967
168 Hubli	...	15th February, 1967
169 Hubli Rural	...	15th February, 1967
170 Kalghatgi	...	15th February, 1967
171 Kundgol	...	19th February 1967
172 Shiggaon	...	19th February, 1967
173 Hangal	...	19th February, 1967
174 Hirekerur	...	19th February, 1967
175 Ranibennur	...	19th February, 1967
176 Byadgi	...	19th February, 1967
177 Haveri	...	19th February, 1967
178 Shirhatti	...	19th February, 1967
179 Mundargi	...	19th February 1967

S. No. and name of Assembly Constituency		Date of poll
1		2
180	Gadag	... 15th February, 1967
181	Ron	... 19th February, 1967
182	Nargund	... 15th February, 1967
183	Navalgund	... 15th February, 1967
184	Ramdurg	... 15th February, 1967
185	Parasgad	... 15th February, 1967
186	Bailhongal	... 15th February, 1967
187	Kittur	... 15th February, 1967
188	Khanapur	... 15th February, 1967
189	Belgaum	... 15th February, 1967
190	Uchagaon	... 15th February, 1967
191	Bagewadi	... 15th February, 1967
192	Gokak	... 15th February, 1967
193	Arbhavi	... 15th February, 1967
194	Hukeri	... 19th February, 1967
195	Sankeshwar	... 19th February, 1967
196	Nipani	... 19th February, 1967
197	Sadalga	... 19th February, 1967
198	Chikkodi	... 19th February, 1967
199	Raibag	... 19th February, 1967
200	Kagwad	... 19th February, 1967
201	Athani	... 19th February, 1967
202	Jamkhandi	... 19th February, 1967
203	Bilgi	... 19th February, 1967
204	Mudhol	... 19th February, 1967
205	Bagalkot	... 19th February, 1967
206	Badami	... 19th February, 1967
207	Guledgud	... 19th February, 1967
208	Hungund	... 19th February, 1967
209	Muddebihal	... 15th February, 1967

S. No. and name of Assembly Constituency		Date of poll
1		2
210 Huvinahippargi	...	15th February, 1967
211 Bagewadi	...	15th February, 1967
212 Tikota	...	15th February, 1967
213 Bijapur	...	15th February, 1967
214 Ballolli	...	15th February, 1967
215 Indi	...	15th February, 1967
216 Sindgi	...	15th February, 1967

By order,

PRAKASH NARAIN,

Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

NEW DELHI,

Dated the 13th January, 1967.

NOTIFICATION.

No. 464/MY/66 (LA) (1). - In exercise of the powers conferred by Section 56 of the Representation of the People Act, 1951, the Election Commission hereby fixes the hours from 8 A.M. to 5 P.M. as the hours during which the poll shall, if necessary, be taken at the elections to the Legislative Assembly of the State of Mysore, to be held in pursuance of the Governor's notification published in the State Gazette on the 13th January, 1967.

By order,

PRAKASH NARAIN,

Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, WEDNESDAY, JANUARY 18, 1967 (PUSHYA 28, SAKA ERA 1888). | No. 11

ELECTION COMMISSION, INDIA

Talkatora Road,
NEW DELHI-1.

Dated the 12th January, 1967.
Pausa 22, 1888 (*Saka*).

NOTIFICATION

No. 434 MY/67.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby directs that the following amendments shall be made in its notification No. 434/MY/66, dated the 29th December, 1966, published in the *Gazette of India,* Part II, Section 3(ii), dated the 7th January, 1967, and re-published in the *Mysore Gazette* dated the 2nd January, 1967, namely :—

In the table appended to the said notification—

(i) for the existing entry "4. Municipal Commissioner City Municipal Council, Gulbarga", in column 3 against item 1, the entry "4. Assistant Commissioner, Gulbarga Sub-Division, Gulbarga" shall be substituted; and

(ii) after the entries in column 3 against item 2, the entry "7. Assistant Commissioner, Yadgir Sub-Division, Yadgir" shall be added.

By Order,

PRAKASH NARAIN,
Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, WEDNESDAY, JANUARY 18, 1967 (PUSHYA 28, SAKA ERA 1888). | No. 12

ELECTION COMMISSION, INDIA.

Talkatora Road,
NEW DELHI-1.

Dated the 12th January, 1967.

Pausa 22, 1888 (*Saka*).

NOTIFICATION.

No. 434/MY/67 (i).—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby directs that the following amendments shall be made in its notification No. 434/MY/66 (1), dated the 29th December, 1966, published in the *Mysore Gazette*, extraordinary, Part IV-1C, dated the 2nd January, 1967, namely :—

In the table appended to the said notification, for the existing entries in column 3 against item Nos. 1, 5, 16, 19, 82, 115, 188 and 199, the following shall be substituted :—

1.	Aurad	...	(1) Tahsildar, Aurad Taluk (2) Tahsildar, Bidar Taluk
5.	Humnabad	...	(1) Tahsildar, Humnabad Taluk (2) Tahsildar, Bidar Taluk (3) Tahsildar, Basavakalyan Taluk

16.	Gurmitkal	...	(1) Tahsildar, Yadgir Taluk (2) Tahsildar, Shorapur Taluk
19.	Shorapur	...	Tahsildar, Shorapur Taluk
82.	Yelahanka	...	(1) Tahsildar, Bangalore North Taluk (2) Tahsildar, Bangalore South Taluk
115.	Gundlupet	...	(1) Tahsildar, Gundlupet Taluk (2) Tahsildar, Nanjangud Taluk
188.	Khanapur	...	(1) Tahsildar, Belgaum Taluk (2) Tahsildar, Khanapur Taluk
199.	Raibag	...	(1) Tahsildar, Raibag Taluk (2) Tahsildar, Athani Taluk

By Order,

PRAKASH NARAIN,

Secretary to the Election Commission.

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PART IV– 1–C

BANGALORE, WEDNESDAY, MARCH 1, 1967 (PHALGUNA 10, SAKA ERA 1888). | No. 48

NOTIFICATION

(LAW DEPARTMENT)

No. LAW 5 EBE 67, Bangalore, dated the 1st March 1967.

In pursuance of the provision of Section 67 of the Representation of the People Act, 1951 (Central Act 43 of 1951), the following declarations containing the names of the candidates elected in the Constituencies referred to therein are published for general information :—

DECLARATIONS

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

1. AURAD CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Manik Rao Sham Rao,
Thana Kushnoor Taluqa.
Aurad, District Bidar

has been duly elected to fill the seat in the above constituency.

Place : BIDAR, S. K. GHOSAL,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

2. BALKI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Bhimanna Shivalingappa
Post: Bhalki, Taluka Bhalki

has been duly elected to fill the seat in the above constituency.

Place: BIDAR, S. K. GHOSAL,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

3 HULSUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Prabhu Rao Dhondiba Jagadale
Hallikhed (B), Taluka Humnabad

has been duly elected to fill the seat in the above constituency.

Place: BASWAKALYAN, R. M. GIRWALKER,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

4. BIDAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Chandrakanth Gurupadappa
Chittekhana Lane, Bidar

has been duly elected to fill the seat in the above constituency.

Place: BIDAR, S. K. GOSHAL,
Date: *23rd February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

5. HUMNABAD CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri V. N. Patil, Advocate,
Post Meenakeri, Taluk Humnabad,
Bidar District.

has been duly elected to fill the seat in the above constituency.

Place: BASAVAKALYAN, R. M. GIRWALKAR,
Date: *23rd February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

6. BASAVAKALYAN CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Sidramappa Sanganbasappa Khuba
Basavakalyan

has been duly elected to fill the seat in the above constituency.

Place: BASAVAKALYAN, R. M. GIRWALKAR,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

7. CHINCHOLI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Veerendra Pati S/o Basappa
Chincholi, District Gulbarga

has been duly elected to fill the seat in the above constituency.

Place: CHINCHOLI, G. R. DANIWALE,
Date: *23rd February* 1967, *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

8. KAMLAPUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Smt. Lalita Bai Chandrashekhar
Mahagoan Village, Post
Mahagoan, District and Taluka, Gulbarga

has been duly elected to fill the seat in the above constituency.

Place: GULBARGA, S. A. WAHED QUADRI,
Date: 21*st February* 1957. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

9. ALAND CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Digambar Rao Balwant Rao,
Aland Town, P. O. Aland
District Gulbarga.

has been duly elected to fill the seat in the above constituency.

Place: ALAND, NARASING RAO MADARKAL,
Date: 21*st February* 1957. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

10. GULBARGA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Mohammed Ali Mehtab Ali,
H. No. 1-113, Station Bazar, Gulbarga

has been duly elected to fill the seat in the above constituency.

Place: GULBARGA, S. A. WAHED QUADRI,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

11. AFZALPUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Neelkanth Sangshetty Patil,
H.No. 1165, Station Bazar, Gulbarga

has been duly elected to fill the seat in the above constituency.

Place: ALAND, NARASING RAO MADARKAL,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

12. KALGI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Kalyan Rao Mallappa,
338-A, Jagat, Gulbarga

has been duly elected to fill the seat in the above constituency.

Place: GULBARGA, S. A. WAHED QUADRI,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

13. CHITAPUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri S. Rudrappa Nagappa,
Bhoomreddy Quarters, Station Bazar, Gulbarga,

has been duly elected to fill the seat in the above constituency.

Place: SERUM, MIR ZAFAR ALI KHAN,
Date: *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

14. SERUM CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Jamadanda Sarwesh Papaiah,
Lohar Galli, Post: Sedam,
Taluka Sedam, District Gulbarga

has been duly elected to fill the seat in the above constituency.

Place: SERUM,
Date: *22nd February* 1967.

MIR ZAFAR ALI KHAN,
Returning Officer.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

15. JEWARGI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Sharangouda Siddaramgouda Inamdar,
Post: Gulbarga, Taluk Gulbarga,
District Gulbarga

has been duly elected to fill the seat in the above constituency.

Place: SHAHAPUR,
Date: *22nd February* 1967.

G. LAKSHAMAN RAO,
Returning Officer.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

16. GURMITKAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Narsappa Yenkappa,
Gurmitkal

has been duly elected to fill the seat in the above constituency.

Place : SHORAPUR, JAITHIRTH RAJPUROHIT,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

17. YADGIR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Vishwnath Reddy Rachangouda
Yadgir, District Gulbarga

has been duly elected to fill the seat in the above constituency.

Place : *Yadgir,* G. R. DANIWALE,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

18. SHAHPUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Raja Venkatappa Naik,
Son of Raja Krishtappa Naik,
Swatantra Party Office,
Main Bazar, Shahapur,
District Gulbarga

has been duly elected to fill the seat in the above constituency.

Place : *Shahapur,* G. LAKSHAMAN RAO,
Date : 21*st February* 1967. *Returning Officer*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

19. SHORAPUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Raja Pid Naik Raja Krishtappa Naik,
New Darbar, Shorapur

has been duly elected to fill the seat in the above constituency.

Place : SHORAPUR, JAITHIRTH RAJPUROHIT,
Date : 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

20. DEODURG CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Sadashivappa Patil Basvantraya Patil,
Joladhedgi Village Post Deodurg,
Taluk : Deodurg, District : Raichur

has been duly elected to fill the seat in the above constituency.

Place : *Raichur,* GUNDE RAO,

Date : 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

21. RAICHUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri M. Nagappa,
Son of Basappa, Advocate of Raichur,
Post : Raichur

has been duly elected to fill the seat in the above constituency.

Place : *Raichur,* GUNDE RAO,

Date : 22*nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

22. KALMALA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Smt. Nagamma Sheshappa,
Maddipet, Raichur

has been duly elected to fill the seat in the above constituency.

Place : Raichur, GUNDE RAO,
Date : 23rd February 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

23. MANVI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Smt. Basawarajeswari Sharanabasawaraj,
Post : Gajjalgatta, District : Raichur
has been duly elected to fill the seat in the above constituency.

Place : Sindhanoor, H. JAYA RAM RAO,
Date : 21st February 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

24. LINGSUGUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri K. Sanganagouda,
Advocate, Post : Lingsugur,
Taluk : Lingsugur, District : Raichur

has been duly elected to fill the seat in the above constituency.

Place : *Lingsugur*, B. R. PRABHAKAR,
Date : 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

25. SINDHANOOR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Amaregowda Channanagowda,
Advocate, Sindhanoor

has been duly elected to fill the seat in the above constituency.

Place : *Sindhanoor*, H. JAYA RAM RAO,
Date : 22*nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

26. KUSHTAGI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Pundalikappa Eshwarappa Gnanmote,
Post : Kushtagi, Taluk : Kushtagi,
District : Raichur

has been duly elected to fill the seat in the above constituency.

Place : *Lingsugur*, B. R. PRABHAKAR,
Date : *22nd February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

27. YELBURGA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Chanabasangouda,
Post : Yelburga, Taluk : Yelburga,
District : Raichur

has been duly elected to fill the seat in the above constituency.

Place : *Koppal*, I. M. KOTRAIAH,
Date : *21st February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

28. GANGAVATI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Tirumala Deva Raya,
Anegundi, Taluk : Gangavathi,
Raichur District

has been duly elected to fill the seat in the above constituency.

Place : KOPPAL, I. M. KOTRAIAH,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

29. KOPPAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Virupakshgouda, Kavalur,
Taluk : Koppal, Raichur District

has been duly elected to fill the seat in the above constituency.

Place : KOPPAL, I. M. KOTRAIAH,
Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

30. SIRUGUPPA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri M. Doddana Goud,
Jolada Bazaar, Siruguppa Town,
Siruguppa Taluk, Bellary District

has been duly elected to fill the seat in the above constituency.

Place : BELLARY, K. R. MASKIKAR,
Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

31. KURUGODU CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Allum Karibasappa,
Gadigi Palace, Bellary Town,
Bellary Taluk, Bellary District

has been duly elected to fill the seat in the above constituency.

Place : BELLARY, K. R. MASKIKAR,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

32. BELLARY CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri V. Nagappa,
Cantonment, Bellary Town,
Bellay Taluk, Bellary District

has been duly elected to fill the seat in the above constituency.

Place : BELLARY, K. R. MASKIKAR,

Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

33. HOSPET CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Nagan Gowd, R.,
D. No. 281, Ward No. III, Rajaji Road, Hospet.

has been duly elected to fill the seat in the above constituency.

Place : HOSPET, S. A. PATIL,

Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

35. KUDLIGI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri M. M. J. Sadyojatha,
Merchant, Kottur

has been duly elected to fill the seat in the above constituency.

Place: KUDLIGI, R. N. GURAV,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

36. HADAGALLI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Kotrabasiah Sogi, N. M.
Advocate, Hadagalli, Bellary District.

has been duly elected to fill the seat in the above constituency.

Place: HOSPET, S. A. PATIL,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

37. HARAPANAHALLI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Yenkya Nayak,
Agriculturist, Punabagatta Thanda,
Hamlet of Punabaghatta

has been duly elected to fill the seat in the above constituency.

Place: KUDLIGI, R. N. GURAV,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

38. HARIHAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri H. Siddaveerappa,
Advocate, P. J. Extension, Davangere City,
Chitradurga District

has been duly elected to fill the seat in the above constituency.

Place: DAVANGERE, S. BRAHMA RAYAPPA,
Date: *22nd February* 1967, *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

39. DAVANGERE CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Kondajji Basappa,
Binny Company Guest House, Davangere City,
Chitradurga District

has been duly elected to fill the seat in the above constituency.

Place: DAVANGERE, S. BRAHMA RAYAPPA

Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

40. BHARMASAGARA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Duggappa, G.
Advocate, J. R. Extension, Chitradurga

has been duly elected to fill the seat in the above constituency.

Place: JAGALUR, B. C. YELASANGIKAR,

Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

41. CHITRADURGA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri H. C. Boraiah, B.A., LL.B.,
Advocate, Santhapet, Chitradurga

has been duly elected to fill the seat in the above constituency.

Place: CHITRADURGA, B. M. PUTTAMUDDAPPA,
Date: 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

42. JAGALUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Halaswamy, J. R.
Nehru Road, Jagalur

has been duly elected to fill the seat in the above constituency.

Place: JAGALUR, B. C. YELASANGIKAR,
Date: 22*nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

43. MOLAKALMURU CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri S. H. Basanna
Kerekondapura Village, Molakalmuru Taluk,
Rampura Post

has been duly elected to fill the seat in the above constituency.

Place: CHALLAKERE, D. HANUMANTHAIAH,
Date: *21st February* 1967. *Returning Officer*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

44. CHALLAKERE CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri B. L. Gowda, B.SC., (*Agri*), B.L.,
Advocate, Church Extension, Chitradurga

has been duly elected to fill the seat in the above constituency.

Place: CHALLAKERE, D. HANUMANTHAIAH,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

45. HIRIYUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri D. Manjunath, B.Sc., B.L.,
Lawyer, Chitradurga

has been duly elected to fill the seat in the above constituency.

Place: CHITRADURGA, B. M. PUTTAMUDDAPPA,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

46. HOLALKERE CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri B. Parameswarappa *bin* Basappa,
Taluk Development Board President, Holalkere,
Chitradurga District

has been duly elected to fill the seat in the above constituency.

Place: HOSADURGA, B. M. GANJIGATTI,
Date: *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

47. HOSADURGA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri M. Ramappa,
Advocate, K. P. East, Bangalore-1

has been duly elected to fill the seat in the above constituency.

Place: HOSADURGA, B. M. GANJIGATTI,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

48. PAVAGADA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri P. Anjinappa,
Agriculturist, Pavagada Town, Tumkur District

has been duly elected to fill the seat in the above constituency.

Place: MADHUGIRI, K. H. CHANNABASAVAIYA,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

49. SIRA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri B. N. Ramegowda
Baragur, Sira Taluk

has been duly elected to fill the seat in the above constituency.

Place: MADHUGIRI, K. H. CHANNABASAVAIYA,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

50. KALLAMBALLA ASSEMBLY CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Ganganna, B., son of Dasegowda,
P.O. Bellara (via) Huliyar, Chikkanayakanahally Taluk,
Tumkur District

has been duly elected to fill the seat in the above constituency.

Place: KORATAGERE, R. LAKSHMANA SWAMY,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

51. GUBBI ASSEMBLY CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Chikkegowda,
Shivasandra Village, Kondli Post,
Gubbi Taluk

has been duly elected to fill the seat in the above constituency.

Place: TUMKUR, N. P. SINGH,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

52. CHIKNAYAKANAHALLI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri C. K. Rajaiah Setty,
Mine Owner, Chicknayakanahalli,
Tumkur District

has been duly elected to fill the seat in the above constituency.

Place: TIPTUR, K. T. KEMPEGOWDA,
Date: *21st February* 1967 *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

53. TIPTUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri M. S. Neelakantaswamy,
President, Taluk Development Board, Tiptur,
Tumkur District

has been duly elected to fill the seat in the above constituency.

Place: TIPTUR, K. T. KEMPEGOWDA,
Date: 22nd *February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

54. TURUVEKERE CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri M. N. Ramanna,
Land Holder, Mayasandra, Turuvekere Taluk,
Tumkur District

has been duly elected to fill the seat in the above constituency.

Place: TIPTUR, K. T. KEMPEGOWDA,
Date: 23rd *February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

55. KUNIGAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri G. Thammanna, son of Sri Muddegowda,
Jiddigere, Jiddigere Post, Yadiyur Hobli,
Kunigal Taluk, Tumkur District

has been duly elected to fill the seat in the above constituency.

Place: KUNIGAL, C. M. GURULINGAPPA,

Date: *21st February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

56. HULIYURDURGA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Hutchamasthigowda, N.,
Son of Sri Nanjegowda, Yadavanne Post,
Kunigal Taluk

has been duly elected to fill the seat in the above constituency.

Place: KUNIGAL, C. M. GURULINGAPPA,

Date: *23rd February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

57. GULUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951 read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Ganga Bovi, son of Hanumanthiah,
Makanahalli, Areyur Post,
Tumkur Taluk

has been duly elected to fill the seat in the above constituency.

Place: TUMKUR, N. P. SINGH,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

58. TUMKUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri B. P. Gangadhar, son of B. Puttaradhya,
Advocate, Tumkur

has been duly elected to fill the seat in the above constituency.

Place: TUMKUR, N. P. SINGH,
Date: *24th February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

59. KORATAGERE CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri T. S. Sivanna, son of Siddabasappa, M.L.A.,
Koratagere

has been duly elected to fill the seat in the above constituency.

Place: KORATAGERE, R. LAKSHMANASWAMY,
Date: 21st *February* 1967. *Returning Officer*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

60. MADHUGIRI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri G. T. Govinda Reddy,
Agriculturist, Ittikadibbanahally,
Madhugiri Taluk

has been duly elected to fill the seat in the above constituency.

Place: MADHUGIRI, K. H. CHANNARASAVAIYA,
Date: 21st *February* 1967. *Returning Officer*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

61. GOWRIBIDANUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri R. N. Lakshmipathi,
Ramapura, Gowribidanur Taluk

has been duly elected to fill the seat in the above constituency.

Place: CHICKBALLAPUR, K. JANNAPPA,
Date: *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

62. CHIKBALLAPUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri K. M. Puttaswamy,
Pandurangaswamy Temple Street,
Chickballapur

has been duly elected to fill the seat in the above constituency.

Place: CHICKBALLAPUR. K. JANNAPPA,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

63. SIDLAGHATTA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri B. Venkatarayappa,
Son of Byrappa, Bhaktharahalli,
Kolar District

has been duly elected to fill the seat in the above constituency.

Place : CHINTAMANI, A. P. PUTTASWAMY,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

64. BAGEPALLI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri A. Muniyappa,
Shivananda Nilaya, Fort,
Chickballapur

has been duly elected to fill the seat in the above constituency.

Place : CHICKBALLAPUR. K. JANNAPPA,
Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

65. CHINTAMANI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri T. K. Gangi Reddy of Thuluvanur,
Kolar District

has been duly elected to fill the seat in the above constituency.

Place : CHINTAMANI,
Date : 21st *February* 1967.

A. P. PUTTASWAMY,
Returning Officer.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

66. SRINIVASAPUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri B. L. Narayanaswamy,
Nehru Road, Srinivasapur Town,
Kolar District

has been duly elected to fill the seat in the above constituency.

Place : CHINTAMANI,
Date : 23rd *February* 1967.

A. P. PUTTASWAMY,
Returning Officer

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

67. MULBAGAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951 read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri T. Channaiah, son of Thimmappa,
Hospet Extension,
Kolar

has been duly elected to fill the seat in the above constituency.

Place : KOLAR, RAHAMATHULLA KHAN,

Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

68. KOLAR GOLD FIELDS CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri S. Rajagopal, No. 41, Chelly's Block,
Marikuppam, K.G.F.

has been duly elected to fill the seat in the above constituency.

Place : KOLAR, M. LAKSHMINARASAPPA,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

69. BETHAMANGALA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri E. Narayana Gowda,
Chikka Ankandahalli,
Kasaba Hobli, Bangarpet Taluk

has been duly elected to fill the seat in the above constituency.

Place : KOLAR, M. LAKSHMINARASAPPA,

Date : 21*st. February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

70. KOLAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri P. Venkatagiriappa,
Advocate, Petechamanahalli Extension,
Kolar

has been duly elected to fill the seat in the above constituency.

Place : KOLAR, M. LAKSHMINARASAPPA,

Date : 23*rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

71. VEMAGAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri G. Narayana Gowda,
Minister for Agriculture,
No. 1, Jayamahal Extension,
Bangalore-6

has been duly elected to fill the seat in the above constituency.

Place : KOLAR, RAHAMATHULLA KHAN,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

72. MALUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri H. C. Linga Reddy,
Son of Chowda Reddy,
498, Palace Orchards,
Bangalore-6

has been duly elected to fill the seat in the above constituency.

Place : KOLAR. RAHAMATHULLA KHAN,

Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

73. MALLESWARAM CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Krishnan, M. S.
No. 99, Sriranga,
Bull Temple Road,
Bangalore

has been duly elected to fill the seat in the above constituency.

Place : BANGALORE, N. SIDDALINGAPPA,
Date : 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

74. GANDHINAGAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Smt. Nagarathnamma Hiremath,
No. 13, I Main Road,
Gandhinagar, Bangalore

has been duly elected to fill the seat in the above constituency.

Place : BANGALORE, K. S. N. MURTHY,
Date : 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

75. CHICKPET CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Vatal Nagaraj,
No. 154, Rangaswamy Temple Street,
Bangalore

has been duly elected to fill the seat in the above constituency.

Place : BANGALORE, K. S. N. MURTHY,
Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

76. CHAMARAJPET CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Dayanandasagar, R,
No. 20, Hardinge Road,
Shankarapuram, Bangalore

has been duly elected to fill the seat in the above constituency.

Place : BANGALORE, K. S. N. MURTHY,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

77. FORT CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Shamanna, T. R.,
No, 32, IV Main Road,
Narasimharaja Colony, Bangalore

has been duly elected to fill the seat in the above constituency.

Place : BANGALORE, K. S. N. MURTHY,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

78. BASAVANAGUDI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Thimmaiah, P.,
No. 6, Krishnasingh Lane,
Gollarpet, Bangalore

has been duly elected to fill the seat in the above constituency.

Place : BANGALORE, K. S. N. MURTHY,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

79. SHIVAJINAGAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Abdul Gaffar, H. R.,
No. 2, II Main Road,
Jayamahal Extension, Bangalore

has been duly elected to fill the seat in the above constituency.

Place : BANGALORE, K. S. N. MURTHY,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

80. BHARATHYNAGAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Amalorpavam, M. A.,
No. 8, Moore Road,
Fraser Town, Bangalore

has been duly elected to fill the seat in the above constituency.

Place : BANGALORE, K. S. N. MURTHY,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

81. SHANTHINAGAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri A. Nanjappa,
No. 1, Muniswamappa Road,
Lingaiyanapalya, Bangalore

has been duly elected to fill the seat in the above constituency.

Place : BANGALORE, K. S. N. MURTHY,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

82. YELAHANKA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri B. Narayanaswamappa,
Son of Sri Chickbandeppa,
Chickabandeppa Street,
Yeshavanthapura, Bangalore-22

has been duly elected to fill the seat in the above constituency.

Place : BANGALORE, J. BASAVAPPA,
Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

83. UTTARAHALLI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Y. Ramakrishna,
Door No. 434, Palace (Upper) Orchards,
Bangalore-6

has been duly elected to fill the seat in the above constituency.

Place: BANGALORE,
Date: *22nd February* 1967.

J. BASAVAPPA,
Returning Officer.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

84. VARTHUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri K. Prabhakar,
Door No. 14, Palace Lower Orchards,
Bangalore.

has been duly elected to fill the seat in the above constituency.

Place: BANGALORE,
Date: *23rd February* 1967.

J. BASAVAPPA,
Returning Officer.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

85. KANAKAPURA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri K. G. Thimme Gowda,
Bazaar Street, Kanakapura.

has been duly elected to fill the seat in the above constituency.

Place : KANAKAPURA, S. P. SYED ABDUL KHADER,
Date : 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

86. SATHANUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri H. Puttadasa,
Morale Bekuppe, Kanakapura Taluk

has been duly elected to fill the seat in the above constituency.

Place : KANAKAPURA, S. P. SYED ABDUL KHADER,
Date : 22*nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

91. NELAMANGALA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Alur Hanumanthappa,
Alur, Dasanapura Hobli,
Nelamangala Taluk.

has been duly elected to fill the seat in the above constituency.

Place: NELAMANGALA, R. NARAYANASWAMY,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

92. DODDABALLAPURA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri G. Rame Gowda,
Thimmasandra, Kasaba Hobli,
Doddaballapur Taluk

has been duly elected to fill the seat in the above constituency.

Place: DODDABALLAPUR, H. B. BHIMA REDDY,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

93. DEVANAHALLI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri D. S. Gowdh, son of Sri Chikkadanadappa,
Naganayakanahalli, Vijayapura P.O.,
Devanahalli Taluk.

has been duly elected to fill the seat in the above constituency.

Place: DODDABALLAPUR, H. B. BHIMA REDDY,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

94. HOSKOTE CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri N. Chikke Gowda,
President, Taluk Development Board, Hosakote,
Bangalore District

has been duly elected to fill the seat in the above constituency.

Place: DODDABALLAPUR, H. B. BHIMA REDDY,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

95. ANEKAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri R. Muniswamiah,
D. No. 403, Anekal Town,
Anekal Taluk

has been du'y elected to fill the seat in the above constituency.

Place : KANAKAPURA, S. P. SYED ABDUL KHADER,
Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

96. NAGAMANGALA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri K. Singarigowda,
Karadahalli, Nagamangala Taluk

has been du'y elected to fill the seat in the above constituency.

Place : NAGAMANGALA, B. K. VISWANATHARAO,
Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

97. MADDUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri M. Manchegowda, son of Mollemanchegowda,
Ankanathapura, Maddur Taluk.

has been duly elected to fill the seat in the above constituency.

Place: MANDYA, K. M. RAJAGOPALA REDDY,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

98. KIRUGAVALU CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri G. Made Gowda,
Gurudevarahalli, Maddur Taluk,
Residing Eastern Extension,
Mandya Town.

has been duly elected to fill the seat in the above constituency.

Place: MALAVALLI, B. BEERAIAH,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

99. MALAVALLI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri M. Mallikarjunaswamy,
Kaligundi, T. Narsipura.

has been duly elected to fill the seat in the above constituency.

Place : MALAVALLI, B. BEERAIAH,

Date : 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

100. MANDYA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Nagappa,
Honorary Secretary,
Ryots Sangha, Mandya.

has been duly elected to fill the seat in the above constituency.

Place : MANDYA, K. M. RAJAGOPALA REDDY,

Date : 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

101. SRIRANGAPATNA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri B. Doddaboregowda,
Son of Boregowda of Yethagadahalli.

has been duly elected to fill the seat in the above constituency.

Place: SRIRANGAPATNA, H. BASAVAIAH,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

102. PANDAVAPURA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri N. A. Channegowda, M.A.,
Nelamane Village, Srirangapatna Taluk,
Mandya District.

has been duly elected to fill the seat in the above constituency.

Place: PANDAVAPURA, H. BASAVAIAH,
Date: *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

103. KRISHNARAJAPET CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri M. K. Bommegowda,
Krishnarajapet, Mandya District.

has been duly elected to fill the seat in the above constituency.

Place: KRISHNARAJAPET, B. K. VISWANATHA RAO,
Date: *22nd February* 1967 *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

104. HANUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri H. Nagappa,
Kongarahalli Village, Kamagere Post,
Kollegal Taluk, Mysore District.

has been duly elected to fill the seat in the above constituency.

Place: KOLLEGAL, A. M. QAISER,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

105. KOLLEGAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri B. Basaviah, LL.B.,
Advocate, Kesthur Village,
Yelandur Taluk, Mysore District.

has been duly elected to fill the seat in the above constituency.

Place: KOLLEGAL, A. M. QAISER,
Date: *22nd February* 1967 *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

106. BANNUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri T. P. Boraiah,
Kethupura Post, T. Narasipur Taluk.

has been duly elected to fill the seat in the above constituency.

Place: T. NARASIPUR, M. MAHADEVAPPA,
Date: *22nd February* 1967 *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

107. T. NARSIPUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri M. Rajashekara Murthy,
" Bombay House ", Vinoba Road,
Mysore-5.

has been duly elected to fill the seat in the above constituency.

Place: T. NARASIPUR, M. MAHADEVAPPA,
Date: 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

108. KRISHNARAJA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri S. Channaiah,
Nazarbad, Mysore.

has been duly elected to fill the seat in the above constituency.

Place: MYSORE, A. S. MELKOTE,
Date: 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

109. NARASIMHARAJA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Aziz Sait,
2, Pulikeshi Road, Asoka West Cross,
Lashkar Mohalla, Mysore

has been duly elected to fill the seat in the above constituency.

Place: MYSORE, A. S. MELKOTE,
Date: *22nd February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

110. CHAMUNDESHWARI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri K. Puttaswamy,
Minister for Co-operation and Housing,
Vidhana Soudha, Bangalore City

has been duly elected to fill the seat in the above constituency.

Place: MYSORE, A. S. MELKOTE,
Date: *23rd February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

111. NANJANGUD CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri L. Srikantaiah C/o M. Y. Puttanna,
Caltex Dealer, Nanjangud

has been duly elected to fill the seat in the above constituency.

Place: NANJANGUD, A. K. BORE GOWDA,

Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

112. BILIGERE CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri D. M. Siddaiah,
Devanur Post,
Nanjangud Taluk

has been duly elected to fill the seat in the above constituency.

Place: NANJANGUD, A. K. BORE GOUDA,

Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

113. SANTHEMARAHALLI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri B. Rachaiah,
Alur, Chamarajanagar Taluk,
Mysore District

has been duly elected to fill the seat in the above constituency.

Place: CHAMARAJANAGAR, T. ABDUL JABBAR,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

114. CHAMARAJANAGAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri S. Puttaswamy, M.A., B.L.,
Advocate, Bisalvadi,
Chamarajanagar Taluk,
Mysore District

has been duly elected to fill the seat in the above constituency.

Place: CHAMARAJANAGAR, T. ABDUL JABBAR,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

115. GUNDLUPET CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Smt. K. S. Nagarathnamma,
Kabbahalli Post,
Gundlupet

has been duly elected to fill the seat in the above constituency.

Place: NANJANGUD, A. K. BORE GOWDA,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

116. HEGGADADEVANAKOTE CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri R. Peeranna,
D-11, 1795, Medar's Block,
Mysore City

has been duly elected to fill the seat in the above constituency.

Place: HUNSUR, A. L. LINGAIAH,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

117. HUNSUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri D. Devaraj Urs,
C/o Shri M. A. Srinivasa Iyangar,
Hunsur

has been duly elected to fill the seat in the above constituency.

Place: HUNSUR, A. L. LINGAIAH,
Date: 21*st February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

118. KRISHNARAJANAGAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri M. Basavaraju,
Gandhanahally Village,
K. R. Nagar Taluk

has been duly elected to fill the seat in the above constituency.

Place: KRISHNARAJANAGAR, N. E. CHANNABASAPPA,
Date: 21*st February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

119. PERIYAPATNA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri H. M. Channabasappa,
Nandinathapura,
Periyapatna Taluk

has been duly elected to fill the seat in the above constituency.

Place: KRISHNARAJANAGAR, N. E. CHANNABASAPPA,

Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

120. VIRAJPET CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri N. Lokayya Naik,
C/o A. K. Subbiah, Advocate,
Virajpet, Coorg District

has been duly elected to fill the seat in the above constituency.

Place: MERCARA, B. HANUMANTHAIAH,

Date: *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

121. MERCARA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri A. P. Appanna, Advocate, Virajpet,
Coorg District

has been duly elected to fill the seat in the above constituency.

Place: MERCARA, B. HANUMANTHAIAH,

Date: *22nd February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

122. SOMWARPET CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri G. M. Manjanathaya, Hardoor Estate,
Sunticoppa Post

has been duly elected to fill the seat in the above constituency.

Place: MERCARA, B. HANUMANTHAIAH,

Date: *23rd February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

123. BELUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the Peop'e Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri S. H. Puttaranganath,
Samashettihalli Village,
Karagada Post, Belur Taluk,
Hassan District

has been duly elected to fill the seat in the above constituency.

Place : SAKLESPUR, R. B. PATIL,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

124. ARSIKERE CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri G. Channabasappa,
Merchant, Arsikere,
Hassan District

has been duly elected to fill the seat in the above constituency.

Place : ARSIKERE, D. V. SRINIVASAN,

Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

125. GANDASI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri B. Nanjappa,
Basavaghatta Village,
Honnavara Post, Dudda Hobli, Hassan Taluk.

has been duly elected to fill the seat in the above constituency.

Place : ARSIKERE, D. V. SREENIVASAN,

Date : 22*nd February* 1967 *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

126. SRAVANABELAGOLA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri S. Shivappa, Kantharajapura,
Hassan District.

has been duly elected to fill the seat in the above constituency.

Place : HASSAN, S. N. SHANTHA KUMAR,

Date: 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

127. HOLENARASIPUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri H. D. Devegowda,
Holenarasipur, Holenarasipur Taluk, Hassan District

has been duly elected to fill the seat in the above constituency.

Place: HOLENARASIPUR, MADHU RAO,
Date: *22nd February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

128. ARKALGUD CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Nanjegowda, H. N.
Advocate, Gangoor Village, Arkalgud Taluk,
Hassan District.

has been duly elected to fill the seat in the above constituency.

Place: HOLENARASIPUR, MADHU RAO,
Date: *21st February* 1967. *Returning Officer*.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

129. HASSAN CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the Peop'e Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri H. B. Jwalaniah,
Doddabasti Street, Hassan Town, Hassan District.

has been duly elected to fill the seat in the above constituency.

Place : HASSAN, S. N. SHANTHA KUMAR,
Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

130. SAKLESHPUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the Peop'e Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri K. P. Chikkegowda,
Kanagal Post, Alur Taluk, Hassan District.

has been duly elected to fill the seat in the above constituency.

Place : SAKLESHPUR, R. B. PATIL,
Date: *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

131. SULLIA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri A. Ramachandra,
Daddalkadu, Mangalore.

has been duly elected to fill the seat in the above constituency.

Place: PUTTUR, S. K. B. N. BETKERUR,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

132. PUTTUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Vittal Das Shetty, B,
Post: Vittal, Kasaba Village, S. K.

has been duly elected to fill the seat in the above constituency.

Place: PUTTUR, S. K. B. N. BETKERUR,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY.

133. BELTHANGADY CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the Peop'e Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri B. Vaikunta Baliga,
Loretto Vi'la, Kodiyalbailu, Mangalore-3.

has been duly e'ected to fill the seat in the above constituency.

Place: PUTTUR, S. K. B. N. BETKERUR,
Date: 23*rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

134 BANTWAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the Peop'e Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Smt. K. Leelavathi Rai,
W/o late Dr. K. K. Rai, Vittal Post Office, Buntwal Taluk.
South Kanara District.

has been duly e'ected to fill the seat in the above constituency.

Place: MANGALORE, B. T. VANDKUDRI,
Date: 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

135. MANGALORE I CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the Peop'e Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri M. Srinivas Nayak,
S/o M. Annappa Nayak, Maidan Extension,
Ganghinagar, Mangalore-3

has been duly e'ected to fill the seat in the above constituency.

Place: MANGALORE, B. T. VANDKUDRI,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

136. MANGALORE II CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the Peop'e Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri B. M. Iddinabba,
S/o Abdul Rahiman, Kodimane, Ullal, South Kanara

has been duly elected to fill the seat in the above constituency.

Place: MANGALORE, B. T. VANDKUDRI,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

137. SURATHKAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the Peop'e Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri P. V. Aithala,
Advocate, "Annapoorna Nilaya", Panambur,
Mangalore Taluk.

has been duly elected to fill the seat in the above constituency.

Place: MANGALORE, B. A. GOWDA,
Date: 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

133. KAUP CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the Peop'e Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri B. Bhaskara Shetty,
Mallar Guttu, Post Mallar, Udipi Taluk,
South Kanara.

has been duly elected to fill the seat in the above constituency.

Place: UDIPI, K. RAJAGOPAL,
Date: 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

139. UDIPI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Amin, S. K.
Yemmekere, Mangalore-1

has been duly elected to fill the seat in the above constituency.

Place: UDIPI, K. RAJAGOPAL,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

140. BRAHMAVAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri S. Jayaprakash Shetty,
P.O. Kolalgiri (*Via*) Kallianpur

has been duly elected to fill the seat in the above constituency.

Place: COONDAPOOR, P. P. PRABHU,
Date: *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

141. COONDAPOOR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Smt. Winnifred F. Fernandes,
Freds' Villa, Church Road, Coondapoor

has been duly elected to fill the seat in the above constituency.

Place: COONDAPOOR, P. P. PRABHU,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

142. BAINDUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Subba Rao Halsnad,
Merchant, Coondapoor

has been duly elected to fill the seat in the above constituency.

Place: COONDAPOOR, P. P. PRABHU,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

143. KARKAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Bola Raghurama Shetty,
Advocate, Karkal, South Kanara

has been duly elected to fill the seat in the above constituency.

Place: KARKAL, V. RAMLAN,
Date: 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

144. MUDABIDRI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri K. Ratnakumar Shetty,
Kattemar House, Badaga Ulipadi Village, P.O. Malali,
Mangalore Taluk, S. K.

has been duly elected to fill the seat in the above constituency.

Place: KARKAL, V. RAMLAN,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

145. SRINGERI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Veerappa Gowda, K. N.
President, Taluk Development Board, Sringeri

has been duly elected to fill the seat in the above constituency.

Place : TARIKERE, B. NANJAIAH,
Date: 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

146. MUDIGERE CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Ranganath, K. H.
Mudigere

has been duly elected to fill the seat in the above constituency.

Place: CHIKMAGALUR, B. H. HANUMANTHA RAJU,
Date: 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

147. CHIKMAGALUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri C. M. S. Sastry,
President, Malnad Education Society, Chikmagalur.

has been duly elected to fill the seat in the above constituency.

Place: CHIKMAGALUR, B. H. HANUMANTHA RAJU,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

148. BIRUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri M. Mallappa,
Advocate, Birur

has been duly elected to fill the seat in the above constituency.

Place: CHIKMAGALUR, B. H. HANUMANTHA RAJU,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

149. KADUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Thammaiah, K. M.
Zamindar, Kadur

has been duly elected to fill the seat in the above constituency.

Place : TARIKERE, B. NANJAIAH,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

150. TARIKERE CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Hanji Shivanna,
Basaveshwara Street, Tarikere

has been duly elected to fill the seat in the above constituency.

Place : TARIKERE, B. NANJAIAH,
Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

151. CHANNAGIRI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri N. G. Halappa,
Advocate, Shimoga City,
Shimoga District.

has been duly elected to fill the seat in the above constituency.

Place: HONNALI, S. DHARMAIAH GOWDA,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

152. BHADRAVATHI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Abdul Khudus Anvar,
D. H. 6, New Colony,
Bhadravathi

has been duly elected to fill the seat in the above constituency.

Place: SHIMOGA, B. G. CHIPRE,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

153. HONNALI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri D. Parameswarappa,
Advocate, Tilak Nagar,
Shimoga City, Shimoga District

has been duly elected to fill the seat in the above costituency.

Place: HONNALI, S. DHARMAIAH GOWDA,
Date: 22*nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

154. SHIMOGA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri A. R. Badarinarayan,
Door No. 621, IV Paralal Road,
Durgigudi, Shimoga.

has been duly elected to fill the seat in the above constituency.

Place: SHIMOGA, B. G. CHIPDE,
Date: 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

155. THIRTHAHALLI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Gopala Gowda Shanthaveri,
Araga Post, Thirthahalli Taluk,
Shimoga District.

has been duly elected to fill the seat in the above constituency.

Place: HOSANAGAR, P. S. U. PRADHAN,
Date: *22nd February* 1967 *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

156. HOSANAGAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri I. Somasekharappa,
President, Shimoga D.C.C.B., Ltd.,
Shimoga.

has been duly elected to fill the seat in the above constituency.

Place: HOSANAGAR, P. S. U. PRADHAN,
Date: *22nd February* 1967 *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

157. SAGAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri K. H. Sreenivasa,
Old B. H. Road (Chamarajapet),
Sagar, Shimoga District.

has been duly elected to fill the seat in the above constituency.

Place: SAGAR, R. K. KELVADI,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

158. SORAB CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri S. Bangarappa, B.A., B.L.,
Advocate, Shimoga.

has been duly elected to fill the seat in the above constituency.

Place: SAGAR, R. K. KELVADI,
Date: *22nd February* 1967 *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

159. SHIKARIPUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri G. Basavannappa,
Manchikoppa, Hirejambur Post,
Shikaripur Taluk, Shimoga District.

has been duly elected to fill the seat in the above constituency.

Place: SAGAR, R. K. KELVADI,

Date: 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

160. SIRSI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri M. H. Jayaprakash Narayan,
C/o. Samajwani Office,
Sirsi.

has been duly elected to fill the seat in the above constituency.

Place: SIRSI, V. S. NAVALGUND,

Date: 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

161. BHATKAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Jalisatgi Mahableshwar Manjanath,
Pleader, Honavar, North Kanara District

has been duly elected to fill the seat in the above constituency.

Place : KUMTA, G. N. SARWADE,

Date : 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

162. KUMTA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Hegde Ramachandra Manjanath,
Karki in Honnavar, North Kanara District

has been duly elected to fill the seat in the above constituency.

Place : KUMTA, G. N. SARWADE,

Date : 22*nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

163. ANKOLA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Nadkarni Dayanand Serveshwar,
Honnekeri, Ankola, North Kanara District

has been duly elected to fill the seat in the above constituency.

Place : KARWAR, P. S. NAGARAJAN,
Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

164. KARWAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Kadam Balsu Purso,
Advocate, Karwar, North Kanara District.

has been duly elected to fill the seat in the above constituency.

Place: KARWAR, P. S. NAGARAJAN,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

165. HALIYAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Hegde Ramkrishna Mableshwar,
No. 18, Sadana Lower Palace Orchard, Sadashivanagar,
Bangalore-3

has been duly elected to fill the seat in the above constituency.

Place : SIRSI, V. S. NAVALGUND,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

166. DHARWAR RURAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Agnihotri Shankaraprasad Vishwanatha Prasad,
Saidapur, Dharwar

has been duly elected to fill the seat in the above constituency.

Place : DHARWAR, L. S. GAI,
Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

167. DHARWAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Dasankop Khalandarsab Mahaboobsab,
Bank Road,
Dharwar-I

has been duly elected to fill the seat in the above constituency.

Place : HUBLI, S. D. NAYAK,
Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

168. HUBLI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Shettar Sadashiva Shankarappa,
Tadapatrigalli, Hubli

has been duly elected to fill the seat in the above constituency.

Place : HUBLI, S. D. NAYAK,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

169. HUBLI RURAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Patil Mudigouda Ramangouda,
Pleader, Coen Road, Hubli

has been duly elected to fill the seat in the above constituency.

Place : HUBLI, S. D. NAYAK.
Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

170. KALGHATGI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Patil Fakiragouda Shivanagouda,
Tabakadahonnihalli,
Kalghatgi Taluk

has been duly elected to fill the seat in the above constituency.

Place : DHARWAR, L. S. GAI,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

171. KUNDGOL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Bommai Somappa Rayappa,
Kamadolli, Taluka Kundgol

has been duly elected to fill the seat in the above constituency.

Place: SHIGGAON, H. S. HOSMANI,
Date: *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

173. HANGAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Patil Basanagouda Rudragouda,
Akki-Alur, Taluka Hangal, District Dharwar

has been duly elected to fill the seat in the above constituency.

Place: HIREKERUR, R. F. HIREMATH,
Date: *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

174. HIREKERUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Gubbi Shankar Rao Basalingappa Gouda,
Ranibennur, Camp Hirekerur, District Dharwar

has been duly elected to fill the seat in the above constituency.

Place : HIREKERUR, R. F. HIREMATH,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

175. RANIBENNUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Bellad Nagappa Lingappa,
Eastern Extension, Ranebennur, District Dharwar

has been duly elected to fill the seat in the above constituency.

Place : HAVERI, I. A. ANNIGERI,
Date : *28rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

176. BYADGI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Banakar Mahadev Gadigeppa,
Motebennur, Taluka Byadgi,
District Dharwar

has been duly elected to fill the seat in the above constituency.

Place : HAVERI,
Date : *22nd February* 1967.

I. A. ANNIGERI,
Returning Officer.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

177. HAVERI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Magavi Basavaraj Veerappa,
Poona-Bangalore Road,
Haveri, District Dharwar

has been duly elected to fill the seat in the above constituency.

Place : HAVERI,
Date : *22nd February* 1967.

I. A. ANNIGERI,
Returning Officer.

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

178. SHIRHATTI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Kashimath Siddiah Veeraiah,
Shirhatti,
District Dharwar

has been duly elected to fill the seat in the above constituency.

Place : SHIGGAON, H. S. HOSMANI,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

179. MUNDARGI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Sri Churchihalmath Chanabasayya Mahantayya
Mundargi

has been duly elected to fill the seat in the above constituency.

Place : GADAG, SHAIKH ABDUR RAHIM,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

180. GADAG CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Patil Krishnagouda Hanamantagouda,
Hulkoti,
Taluka Gadag

has been duly elected to fill the seat in the above constituency.

Place : GADAG, SHAIKH ABDUR RAHIM,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

181. RON CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Doddameti Andanappa Jnanappa
Post : Jakkali, Taluka : Ron, District : Dharwar

has been duly elected to fill the seat in the above constituency.

Place : RON, V. N. RAICHUR,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

182. NARGUND CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Doddamani Rudrappa Veerappa,
Ron, District Dharwar

has been duly elected to fill the seat in the above constituency.

Place : RON, V. K. RAICHUR,
Date : 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

183. NAVALGUND CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Patil Ramanagouda Marigouda
Dharwar

has been duly elected to fill the seat in the above constituency.

Place : DHARWAR, L. S. GAI,
Date : 23*rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

184. RAMDURG CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Smt. Sharadavva, W/o Madevappa Pattan,
Junni-peth, Ramdurg, Taluka Ramdurg,
District Belgaum

has been duly elected to fill the seat in the above constituency.

Place : SAUNDATTI, B. N. NANJUNDAPPA,
Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

185. PARASGAD CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that

Shri Hemappa Veerabadrappa Koujalgi,
Saundatti, Parasgad Taluka,
Belgaum District

has been duly elected to fill the seat in the above constituency.

Place : SAUNDATTI, B. N. NANJUNDAPPA,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

186. BAILHONGAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Bolashetti Baburao Annappa,
Udakeri, Taluka Sampagaon,
Belgaum District,

has been duly elected to fill the seat in the above constituency.

Place : BAILHONGAL, H. MARIGOWDA,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

187. KITTUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Sanikop Basavanneppa Mallappa,
Itagi, Taluka Khanapur,
Belgaum District,

has been duly elected to fill the seat in the above constituency.

Place : BAILHONGAL, H. MARIGOWDA,
Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

188. KHANAPUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Sirdesai Nilkanthrao Bhagwantrao,
H. No. 405, Desai-Galli, Khanapur,
Belgaum District,

has been duly elected to fill the seat in the above constituency.

Place : BELGAUM, B. K. BHATTACHARYA,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

189. BELGAUM CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Balavantrao Bhimrao Sayanak,
410, Tilakwadi, Belgaum

has been duly elected to fill the seat in the above constituency.

Place : BELGAUM, S. S. MOULVI,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

190. UCHAGAON CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Nandihali Parashuram Bharamana,
At and Post, Yallur,
Taluka and District, Belgaum.

has been duly elected to fill the seat in the above constituency.

Place : BELGAUM, B. K. BHATTACHARYA,
Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

191. BAGEWADI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Chandrappa Lingappa Pattanshetti, B.A.,
Raviwarpeth, Belgaum,

has been duly elected to fill the seat in the above constituency.

Place : BELGAUM, S. S. MOULVI,
Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

192. GOKAK CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Laxmana Siddappa Naik,
Yaddalgudd, Post Ankalgi, Taluka Gokak,
Belgaum District,

has been duly elected to fill the seat in the above constituency.

Place : GOKAK, A. M. PATIL,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

193. ARBHAVI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Appanna Ramappa Panchagavi,
Raviwar Pet, Gokak,
Belgaum District,

has been duly elected to fill the seat in the above constituency.

Place : GOKAK, A. M. PATIL,

Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

194. HUKERI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Appannagouda *alias* Satyagouda
Satagouda Patil, Sankeshwar, Taluka Hukkeri,
Belgaum District,

has been duly elected to fill the seat in the above constituency.

Place : HUKKERI, D. R. KANABARGI,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

195. SANKESHWAR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Kothavale, S. D.
134, Bull Temple Road,
Chamarajpet, Bangalore,

has been duly elected to fill the seat in the above constituency.

Place : HUKKERI, D. R. KANABARGI,

Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

196. NIPANI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Manavi Govind Krishna,
Radhakrishna Nivas, Nehru Chowk, Nipani,
Belgaum District,

has been duly elected to fill the seat in the above constituency.

Place : CHIKODI, B. D. BURJI.

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

197. SADALGA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Patil Shidagauda Shiwagauda,
Bedkihal, Taluka Chikodi,
Belgaum District,

has been duly elected to fill the seat in the above constituency.

Place : CHIKODI, B. D. BURJI,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

198. CHIKKODI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Soudagar Balu Sidray,
Paragaon Galli, P. O. Athani,
Belgaum District,

has been duly elected to fill the seat in the above constituency.

Place : CHIKODI, B. D. BURJI,
Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

199. RAIBAG CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Patil Vasantrao Lakhgaud,
Byakud, Taluka-Raibag,
Belgaum District,

has been duly elected to fill the seat in the above constituency.

Place : ATHANI, L. M. NAIK,
Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

200. KAGWAD CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Smt. Bogle Champabai Peeraji,
House No. 811/2, Angol Mal, Taluka Belgaum,
District Belgaum.

has been duly elected to fill the seat in the above constituency.

Place : ATHANI, L. M. NAIK,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

201. ATHANI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Pawar Desai Dhairyashilarao Bhojraj,
Athani,
Belgaum District,

has been duly elected to fill the seat in the above constituency.

Place : ATHANI, L. M. NAIK,

Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

202. JAMKHANDI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that--

Shri Jatti Basappa Danappa,
Jamkhandi,
Bijapur District,

has been duly elected to fill the seat in the above constituency.

Place : JAMKHANDI, B. F. CHALLAL,

Date : 22*nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

203. BILGI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Desai Rachappa Mallappa,
House No. 149, Yadhalli, Bilgi Taluka,
Bijapur District,

has been duly elected to fill the seat in the above constituency.

Place : JAMKHANDI, B. F. CHALLAL,

Date : 22*nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

204. MUDHOL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that--

Shri Nadagouda Krishnappa Pandappa,
Mudhol,
Bijapur District,

has been duly elected to fill the seat in the above constituency.

Place : JAMKHANDI, B. F. CHALLAL,

Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

205. BAGALKOT CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that--

Shri Murnal Basappa Tammanna,
Bagalkot,
Bijapur District,

has been duly elected to fill the seat in the above constituency.

Place : BAGALKOT, S. N. PATTANASHETTI,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

206. BADAMI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Pattanshetti Kallappa Mahagundappa,
Badami Taluka,
District Bijapur,

has been duly elected to fill the seat in the above constituency.

Place : BADAMI, G. L. SHETH,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

207. GULEDGUD CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Pattanshetti Madivalappa Rudrappa,
Guledgud, Taluka Badami,
Bijapur District,

has been duly elected to fill the seat in the above constituency.

Place : BADAMI, G. L. SHETH,

Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

208. HUNGUND CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Kanthi Shivalingappa Rudrappa,
Ilkal, Taluka Hungund,
Bijapur District,

has been duly elected to fill the seat in the above constituency.

Place : BAGALKOT, S. N. PATTANASHETTI,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

209. MUDDEBIHAL CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Guraddi Shivashankarappa Mallappa,
Salavadagi, Taluka Muddebihal,
Bijapur District,

has been duly elected to fill the seat in the above constituency.

Place : BAGEWADI, C. M. HOSUR,

Date : *21st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

210. HUVINAHIPPARGI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Patil Gadigeppagouda Ninganagouda,
Kakhandaki, Taluka Bijapur,

has been duly elected to fill the seat in the above constituency.

Place : BAGEWADI, C. M. HOSUR,

Date : *22nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

211. BAGEWADI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Patil Basanagouda Somanagouda,
Managoli, Taluka Bagewadi,
Bijapur District,

has been duly elected to fill the seat in the above constituency.

Place : BAGEWADI, C. M. HOSUR,

Date : *23rd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

212. TIKOTA CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Vastrad Sharanayya Basalingayya,
Near Chota Asar, Bijapur,
District Bijapur

has been duly elected to fill the seat in the above constituency.

Place : BIJAPUR, Y. K. PUTTASOMIE GOWDA,

Date : 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

213. BIJAPUR CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Patil Basangauda Mallanagauda,
Pitre Road, Bijapur,
District Bijapur

has been duly elected to fill the seat in the above constituency.

Place : BIJAPUR, Y. K. PUTTASOMIE GOWDA,

Date : 22*nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

214. BALLOLLI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Arakeri, S. S.,
Badi Kaman,
Bijapur

has been duly elected to fill the seat in the above constituency.

Place : INDI, PRALHAD RAO,

Date : 21*st February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

215. INDI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Surpur Mallappa Karabasappa,
Akkamahadevi Road,
Bijapur

has been duly elected to fill the seat in the above constituency.

Place : INDI, PRALHAD RAO,

Date : 22*nd February* 1967. *Returning Officer.*

ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY

216. SINDGI CONSTITUENCY

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declared that—

Shri Desai, C. M.,
C/o Dr. H. T. Sasnur, Pitre Road,
Bijapur

has been duly elected to fill the seat in the above constituency.

Place : INDI, PRALHAD RAO,

Date : *23rd February* 1967. *Returning Officer.*

By Order and in the name of the Governor of Mysore,

M. K. SRINIVASA IYENGAR,
Additional Secretary to Government,
Law Department.

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PART IV—1-C

BANGALORE, WEDNESDAY, MARCH 1, 1967
(PHALGUNA 10, SAKA ERA 1888)

No. 47

ELECTION COMMISSION, INDIA

New Delhi, March 1, 1967/*Phalguna* 10, 1888 (*Saka*)

NOTIFICATION

No. 308/MY/67.—Whereas a General Election has been held for the purpose of constituting a new Legislative Assembly of Mysore;

And whereas the date originally fixed for the completion of the said General Election under clause (*e*) of Section 30 of the Representation of the People Act, 1951, was the 1st March 1967;

Now, *therefore,* in pursuance of Section 73 of the said Act, the Election Commission hereby notifies the names

of the members who have been elected for the various assembly constituencies by the said date :—

Serial No. and name of Assembly Constituency		Name of member elected
		Sriyuths—
1. Aurad	..	Manik Rao Sham Rao
2. Balki	..	Bhimanna Shivlingappa
3. Hulsur	..	Prabhu Rao Dhondiba Jagadale
4. Bidar	..	Chandrakanth Gurupadappa
5. Humnabad	..	V. N. Patil
6. Basavakalyan	..	Sidramappa Sanganbasappa Khuba
7. Chincholi	..	Veerendra Basappa Patil
8. Kamalapur	..	Smt. Lalita Bai Chandrashekhar
9. Aland	..	Digambar Rao Balwant Rao
10. Gulbarga	..	Mohammad Ali Mehtab Ali
11. Afzalpur	..	Neelkanth Sangshetty Patil
12. Kalgi	..	Kalyan Rao Mallappa
13. Chittapur	..	S. Rudrappa Nagappa
14. Serum	..	Jamadanda Papaiah Sarwesh
15. Jewargi	..	Sharangouda Siddramgouda Inamdar
16. Gurmitkal	..	Narasappa Yenkappa
17. Yadgir	..	Viswanath Reddy Rachan Gowda
18. Shahpur	..	Raja Venkatappa Naik Raja Krishtappa Naik.
19. Shorapur	..	Raja Pid Naik Raja Krishtappa Naik
20. Deodurg	..	Sadashivappa Patil Baswanth Raya Patil
21. Raichur	..	M. Nagappa
22. Kalmala	..	Smt. Nagamma Sheshappa
23. Manvi	..	Smt. Basavarajeswari Sharanbasavaraj
24. Lingsugur	..	K. Sangangouda
25. Sindhanoor	..	Amaregowda Channanagowda
26. Kushtagi	..	Pundalikappa Eshwarappa Gnanamote
27. Yelburga	..	Channabasangouda
28. Gangavati	..	Tirumala Deva Raya
29. Koppal	..	Virupakshagowda
30. Siruguppa	..	M. Doddana Gowd
31. Kurugodu	..	Allum Karibasappa
32. Bellary	..	V. Nagappa
33. Hospet	..	R. Nagan Gowd
34. Sandur	..	M. Y. Ghorpade
35. Kudligi	..	M. M. J. Sadyojatha

Serial No. and name of Assembly Constituency	Name of member elected
	Sriyuths—
36. Hadagalli	.. N. M. Kotrabasaih Sogi
37. Harpanahalli	.. Yenkya Nayak
38. Harihar	.. H. Siddaveerappa
39. Davangere	.. Kondajji Basappa
40. Bharmasagara	.. G. Duggappa
41. Chitradurga	.. H. C. Boraiah
42. Jaglur	.. J. R. Halaswamy
43. Molakalmuru	.. S. H. Basanna
44. Challakere	.. B. L. Gowda
45. Hiriyur	.. D. Manjunath
46. Holalkere	.. B. Parameswarappa *bin* Basappa
47. Hosadurga	.. M. Ramappa
48. Pavagada	.. P. Anjinappa
49. Sira	.. B. N. Ramegowda
50. Kallambella	.. B. Ganganna
51. Gubbi	.. Chikkegowda
52. Chiknayakanahalli	C. K. Rajaiah Setty
53. Tiptur	.. M. S. Neelakantaswamy
54. Turuvekere	.. M. N. Ramanna
55. Kunigal	.. G. Thammanna
56. Huliyurdurga	.. N. Hutchamasthigowda
57. Gulur	.. Ganga Bovi
58. Tumkur	.. B. P. Gangadhar
59. Koratagere	.. T. S. Sivanna
60. Madhugiri	.. G. T. Govinda Reddy
61. Gowribidanur	.. R. N. Lakshmipathi
62. Chikbllapur	.. K. M. Puttaswamy
63. Sidlaghatta	.. B. Venkatarayappa
64. Bagepalli	.. A. Muniyappa
65. Chintamani	.. T. K. Gangi Reddy
66. Srinivasapur	.. B. L. Narayana Swamy
67. Mulbagal	.. T. Channaiah
68. Kolar Gold Fields	.. S. Rajagopal
69. Bethamangala	.. E. Narayana Gowda
70. Kolar	.. P. Venkatagiriappa
71. Vemagal	.. G. Narayana Gowda
72. Malur	.. H. C. Linga Reddy
73. Malleswaram	.. M. S. Krishnan
74. Gandhinagar	.. Srimati Nagarathnamma Hiremath

Serial No. and name of Assembly Constituency		Name of member elected
		Sriyuths—
75.	Chickpet ..	Vatal Nagaraj
76.	Chamarajpet ..	R. Dayanand Sagar
77.	Fort ..	T. R. Shamanna
78.	Basavanagudi ..	P. Thimmaiah
79.	Shivajinagar ..	H. R. Abdul Gaffar
80.	Bharathynagar ..	M. A. Amalorpavam
81.	Shanthinagar ..	A. Nanjappa
82.	Yelahanka ..	B. Narayanaswamappa
83.	Uttarahalli ..	Y. Ramakrishna
84.	Varthur ..	K. Prabhakar
85.	Kanakapura ..	K. G. Thimmegowda
86.	Sathanur ..	H. Puttadasa
87.	Channapatna ..	T. V. Krishnappa
88.	Ramanagaram ..	B. R. Dhananjiah
89.	Magadi ..	Dr. C. R. Range Gowda
90.	Kudur ..	Solur Siddappa
91.	Nelamangala ..	Alur Hanumanthappa
92.	Doddaballapur ..	G. Rame Gowda
93.	Devanahalli ..	D. H. Gowdh
94.	Hoskote ..	N. Chikkegowda
95.	Anekal ..	R. Muniswamiah
96.	Nagamangala ..	K. Singarigowda
97.	Maddur ..	M. Manchegowda
98.	Kirugavalu ..	G. Madegowda
99.	Malavalli ..	M. Mallikarjunaswamy
100.	Mandya ..	Nagappa
101.	Srirangapatna ..	B. Doddaboregowda
102.	Pandavapura ..	N. A. Channegowda
103.	Krishnarajapet ..	M. K. Bommegowda
104.	Hanur ..	H. Nagappa
105.	Kollegal ..	B. Basavaiah
106.	Bannur ..	T. P. Boraiah
107.	T. Narsipur ..	M. Rajashekara Murthy
108.	Krishnaraja ..	S. Channaiah
109.	Narasimharaja ..	Aziz Sait
110.	Chamundeshwari ..	K. Puttaswamy
111.	Nanjangud ..	L. Srikantaiah
112.	Biligere ..	D. M. Siddaiah
113.	Santhemarahalli ..	B. Rachaiah

Serial No. and name of Assembly Constituency.	Name of member elected
	Sriyuths—
114. Chamarajanagar ..	S. Puttaswamy
115. Gundlupet ..	Smt. K. S. Nagarathnamma
116. Heggadadevanakote	R. Peeranna
117. Hunsur ..	D. Devaraj Urs
118. Krishnarajanagar ..	M. Basavaraju
119. Periyapatna ..	H. M. Channabasappa
120. Virajpet ..	N. Lokayya Naik
121. Mercara ..	A. P. Appanna
122. Somwarpet ..	G. M. Manjanathaya
123. Bēlur ..	S. H. Puttaranganath
124. Arsikere ..	G. Channabasappa
125. Gandasi ..	B. Nanjappa
126. Sravanabelagola ..	S. Shivappa
127. Holenarasipur ..	H. D. Devegowda
128. Arkalgud ..	H. N. Nanjegowda
129. Hassan ..	H. B. Jwalaniah
130. Sakleshpur ..	K. P. Chikkegowda
131. Sullia ..	A. Ramachandra
132. Puttur ..	B. Vittal Das Shetty
133. Belthangady ..	B. Vaikunta Baliga
134. Bantwal ..	Smt. K. Leelavati Rai
135. Mangalore I ..	M. Srinivas Nayak
136. Mangalore II ..	B. M. Iddinabba
137. Surathkal ..	P. V. Aithala
138. Kaup ..	B. Bhaskara Shetty
139. Udipi ..	S. K. Amin
140. Brahmavar ..	S. Jayaprakash Shetty
141. Coondapur ..	Smt. Winnifred F. Fernandes
142. Baindur ..	Subbarao Halsnad
143. Karkal ..	Bola Raghuram Shetty
144. Mudabidri ..	K. Ratnakumar Shetty
145. Sringeri ..	K. N. Veerappa Gowda
146. Mudigere ..	K. H. Ranganath
147. Chikmagalur ..	C. M. S. Sastry
148. Birur ..	M. Mallappa
149. Kadur ..	K. M. Thammaiah
150. Tarikere ..	Hanji Shivanna
151. Channagiri ..	N. G. Halappa
152. Bhadravathi ..	Abdul Khuddus Anvar

Serial No. and name of Assembly Constituency		Name of member elected
		Sriyuths—
153. Honnali	..	D. Parameswarappa
154. Shimoga	..	A. R. Badrinarayan
155. Thirthahalli	..	Gopala Gowda Shanthveri
156. Hosanagar	..	I. Somasekharappa
157. Sagar	..	K. H. Srinivasa
158. Sorab	..	S. Bangarappa
159. Shikaripur	..	G. Basavannappa
160. Sirsi	..	M. H. Jayaprakash Narayan
161. Bhatkal	..	Mahableshwar Manjanath Jalisatgi
162. Kumta	..	Ramachandra Manjanath Hegde
163. Ankola	..	Dayanand Sarveshwar Nadkarni
164. Karwar	..	Balsu Purso Kadam
165. Haliyal	..	Ramkrishna Mableshwar Hegde
166. Dharwar Rural	..	Shankaraprasad Vishwanathprasad Agnihotri.
167. Dharwar	..	Khalandarsab Mahaboobsab Dasankop
168. Hubli	..	Sadashiva Shankarappa Shettar
169. Hubli Rural	..	Mudigowda Ramanagowda Patil
170. Kalghatgi	..	Fakirgowda Shivanagowda Patil
171. Kundgol	..	Somappa Rayappa Bommai
172. Shiggaon	..	S. Nijalingappa
173. Hangal	..	Basanagowda Rudragowda Patil
174. Hirekerur	..	Shankar Rao Basalingappagauda Gubbi
175. Ranibennur	..	Nagappa Lingappa Bellad
176. Byadgi	..	Mahadev Gadigeppa Banakar
177. Haveri	..	Basavraj Veerappa Magavi
178. Shirhatti	..	Siddaiah Veeraiah Kashimath
179. Mundargi	..	Chanabasayya Mahantayya Churchihalmath
180. Gadag	..	Krishnagouda Hammantagouda Patil
181. Ron	..	Andanappa Jnanappa Doddameti
182. Nargund	..	Rudrappa Veerappa Doddamani
183. Navalgund	..	Ramanagouda Marigouda Patil
184. Ramdurg	..	Smt. Sharadavva Madevappa Pattan
185. Parasgad	..	Hemappa Virabhadrappa Koujalgi
186. Bailhongal	..	Baburao Annappa Bolashetti
187. Kittur	..	Basavanneppa Mallappa Sanikop
188. Khanapur	..	Nilkanthrao Bhagwantrao Sirdesai
189. Belgaum	..	Balwantrao Bhimarao Sayanak

Serial No. and name of Assembly Constituency		Name of member elected
		Sriyuths —
190.	Uchagaon	.. Prarashuram Bharamana Nandihalli
191.	Bagewadi	.. Chandrappa Lingappa Pattanshetti
192.	Gokak	.. Laxmana Siddappa Naik
193.	Arbhavi	.. Appanna Ramappa Panchaganvi
194.	Hukeri	.. Appanagouda *alias* Satyagouda Satagouda Patil.
195.	Sankeshwar	.. S. D. Kothavale
196.	Nipani	.. Govind Krishna Manavi
197.	Sadalga	.. Shidagouda Shiwagouda Patil
198.	Chikkodi	.. Balu Sidray Soudagar
199.	Raibag	.. Vasantarao Lakhgoud Patil
200.	Kagwad	.. Smt. Champabai Peeraji Bogle
201.	Athani	.. Dhairyashilarao Bhojaraj Pawar Desai
202.	Jamkhandi	.. Basappa Danappa Jatti
203.	Bilgi	.. Rachappa Mallappa Desai
204.	Mudhol	.. Krishnappa Pandappa Nadagouda
205.	Bagalkot	.. Basappa Tammanna Murnal
206.	Badami	.. Kallappa Mahagundappa Pattanshetti
207.	Guledgud	.. Madivalappa Rudrappa Pattanshetti
208.	Hungund	.. Shivalingappa Rudrappa Kanthi
209.	Muddebihal	.. Shivashankarappa Mallappa Guraddi
210.	Huvinahippargi	.. Gadigeppagowda Ningangouda Patil
211.	Bagewadi	.. Basanagouda Somanagouda Patil
212.	Tikota	.. Sharanayya Basalingayya Vastrad
213.	Bijapur	.. Basanagouda Mallanagouda Patil
214.	Ballolli	.. Arakeri, S. S.
215.	Indi	.. Mallappa Karabasappa Surpur
216.	Sindgi	.. C. M. Desai

By Order,

K. S. RAJAGOPALAN,

Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, TUESDAY, FEBRUARY 28, 1967
(PHALGUNA 9, SAKA ERA 1888).

No. 44

ELECTION COMMISSION, INDIA.

NEW DELHI
the 25th February, 1967.

NOTIFICATION.

No. 464/MY/66.—Whereas the Election Commission is satisfied that on account of unavoidable circumstances the election of members from certain constituencies of the Mysore Legislative Assembly cannot be completed before the date specified in this behalf in its notification No. 464/MY/66 (LA), dated the 13th January, 1967, issued under section 30 of the Representation of the People Act, 1951;

Now, therefore, in exercise of the powers conferred by section 153 of the said Act, the Election Commission hereby makes the following amendment in the said notification, namely,—

To the said notification the following proviso shall be added, namely,—

"Provided that with respect to any election which could not be completed before the 25th February, 1967, the 1st March, 1967, shall be the date before which it shall be completed."

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission, India.

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PART IV—1-C

BANGALORE, FRIDAY, MARCH 3, 1967
(PHALGUNA 12, SAKA ERA 1888)

No. 54

ELECTION COMMISSION, INDIA

CORRIGENDUM

No. 308/MY/67, dated 1st March 1967.

In the Notification No. 308/MY/67, dated 1st March 1967 published in an extraordinary issue of the *Mysore Gazette* No. 47, dated 1st March 1967 for the Preamble substitute the following Preamble:

Whereas a General Election has been held for the purpose of constituting a new Legislative Assembly of Mysore;

The Election Commission, in pursuance of Section 73 of the Representation of the People Act, 1951, as amended by the Representation of the People (Amendment) Ordinance, 1967, hereby notifies the names of the members who have been declared elected for the various assembly constituencies under the provisions of Section 53 or, as the case may be, of Section 66 of the said Act.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, SATURDAY, MARCH 25, 1967
(CHAITRA 4, SAKA ERA 1889).

No. 76(A)

ELECTION COMMISSION, INDIA.

NEW DELHI,

March 25, 1967.

NOTIFICATION.

No. 430/1/67 (1).—In pursuance of sub-section (1) of section 3 of the Presidential and Vice-Presidential Elections Act, 1952, the Election Commission, in consultation with the Central Government, hereby appoints the Secretary to the Lok Sabha, Parliament House, New Delhi, to be the Returning Officer for the Vice-Presidential election.

By Order,

PRAKASH NARAIN,

Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, SATURDAY, MARCH 25, 1967 (CHAITRA 4, SAKA ERA 1889) | No 77(A)

ELECTION COMMISSION, INDIA.

NEW DELHI,
March 25, 1967.

NOTIFICATION.

No. 480/1/67(2).—In pursuance of sub-section (1) of section 3 of the Presidential and Vice-Presidential Elections Act, 1952, the Election Commission hereby appoints Shri P. K. Patnaik, Deputy Secretary, Lok Sabha Secretariat, Parliament House, New Delhi, to be the Assistant Returning Officer for the Vice-Presidential election.

By Order,

PRAKASH NARAIN,
Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, MONDAY, APRIL 3, 1967
(CHAITRA 13, SAKA ERA 1889)

No. 92

ELECTION COMMISSION, INDIA.

NEW DELHI,
April 3, 1967.

NOTIFICATION

No. 479/67.—WHEREAS the term of office of Dr. S. Radhakrishnan, President of India, is due to expire on the 12th May, 1967 :

AND WHEREAS under sub-section (3) of section 4 of the Presidential and Vice-Presidential Elections Act, 1952, the Election Commission is required to appoint dates for the Presidential election so that it will be completed in time to enable the President thereby elected to enter upon his office on the 13th day of May, 1967 :

NOW THEREFORE in pursuance of sub-section (1) of section 4 of the said Act, the Election Commission hereby appoints in respect of the said election—

(a) the 13th April, 1967, as the last date for making nominations;

(b) the 15th April, 1967, as the date for the scrutiny of nominations;

(c) the 18th April, 1967, as the last date for the withdrawal of candidatures; and

(d) the 6th May, 1967, as the date on which a poll shall, if necessary, be taken.

By order,

PRAKASH NARAIN,

Secretary to the Election Commission.

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(a) the 13th April, 1967, as the last date for making nominations;

(b) the 15th April, 1967, as the date for the scrutiny of nominations;

(c) the 18th April, 1967, as the last date for the withdrawal of candidatures; and

(d) the 6th May, 1967, as the date on which a poll shall, if necessary, be taken.

By order,

PRAKASH NARAIN,

Secretary to the Election Commission,

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PART IV—1-C

BANGALORE, MONDAY, APRIL 3, 1967
(CHAITRA 13, SAKA ERA 1889).

No. 93

ELECTION COMMISSION, INDIA.

NEW DELHI,
April 3, 1967.

NOTIFICATION

No. 480/67.—WHEREAS the term of office of Dr. Zakir Husain, Vice-President of India, is due to expire on the 12th May, 1967.

AND WHEREAS under sub-section (3) of section 4 of the Presidential and Vice-Presidential Elections Act, 1952, the Election Commission is required to appoint dates for the Vice-Presidential election so that it will be completed in time to enable the Vice-President thereby elected to enter upon his office on the 13th day of May, 1967:

NOW THEREFORE in pursuance of sub-section (1) of section 4 of the said Act, the Election Commission hereby appoints in respect of the said election—

(a) the 13th April, 1967, as the last date for making nominations;

(b) the 15th April, 1967, as the date for the scrutiny of nominations;

(c) the 18th April, 1967, as the last date for the withdrawal of candidatures; and

(d) the 6th May, 1967, as the date on which a poll shall, if necessary, be taken.

By order,

PRAKASH NARAIN,

Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, MONDAY, APRIL 3, 1967
(CHAITRA 13, SAKA ERA 1889)

No. 95

LOK SABHA SECRETARIAT

PUBLIC NOTICE

of

Election to the Office of Vice-President of India.

WHEREAS a notification under sub-section (1) of section 4 of the Presidential and Vice-Presidential Elections Act, 1952, for the holding of an election to fill the office of Vice-President of India has been issued, I, S. L Shakdher, the Returning Officer for such election, do hereby give notice that—

(i) nomination papers may be delivered to the undersigned at his office in Room No. 18, Parliament House, New Delhi, or, if he is unavoidably absent, to the Assistant Returning Officer Shri P. K. Patnaik, Deputy Secretary, Lok Sabha Secretariat, at the said office between 11 a.m. and 3 p.m. on any day not later than the 13th April, 1967;

(ii) forms of nomination paper may be obtained from the said office during office hours on any working day;

(iii) the scrutiny of nomination papers will take place at the said office on the 15th April, 1967 at 11 a.m.

S. L. SHAKDHER,
Secretary, Lok Sabha and
Returning Officer for the
Vice-Presidential Election.

New Delhi,
Dated the 3rd April, 1967.

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PART IV—1-C

BANGALORE, TUESDAY, APRIL 11, 1967
(CHAITRA 21, SAKA ERA 1889).

No. 98

ELECTION COMMISSION, INDIA.

NEW DELHI,
April 5, 1967.

NOTIFICATION

No. 479/1/67.—In pursuance of sub-section (1) of Section 3 of the Presidential and Vice-Presidential Elections Act, 1952, the Election Commission hereby appoints the Secretary to the Legislative Assembly of each State to be an Assistant Returning Officer for the Presidential Election.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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PART IV—I-C

BANGALORE, WEDNESDAY, APRIL 12, 1967
(CHAITRA 22, SAKA ERA 1889).

No. 100

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 19 EBE 67, dated 11th April 1967.

In pursuance of sub-rule (2) of rule 11 of the Conduct of Elections Rules, 1961, the following is published for general information :—

FORM 7A

List of Contesting Candidates.

[*See* Rule 10 (I)]

Bye-Election to the Mysore Legislative Assembly from the 18-Shahpur Constituency.

Serial Number	Name of Candidate	Address of Candidate	Symbol allotted
1	2	3	4
1	Amaresha Gouda Venkangouda Patil	Advocate, Gulbarga	Star
2	Bapugouda Rayappagouda	Post Shahpur Dist. Gulbarga.	Two Bullocks with Yoke on

Place : Shahpur.

Date : 7th April 1967.

G. R. DANEWALE,
Returning Officer,
18-Shahpur Assembly Constituency.

M. A. AZIZ SIDDIQUI,
Under Secretary to Government,
Law Department (Elections).

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PART IV—1-C

BANGALORE, WEDNESDAY, APRIL 12, 1967
(CHAITRA 22, SAKA ERA 1889)

No. 99

NOTIFICATION.

(LAW DEPARTMENT.)

No. LAW 19 EBE 67, dated 12th April 1967.

In pursuance of the provisions of Section 67 of the Representation of the People Act, 1951 (43 of 1951), the following declaration is published for general information:—

DECLARATION OF THE RESULT OF ELECTION UNDER SUB-SECTION (2) OF SECTION 53 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951.

Bye-Election to the Mysore Legislative Council from the Raichur Local Authorities' Constituency.

In pursuance of the provisions contained in sub-section (2) of Section 53 of the Representation of the People Act, 1951, I declare that—

SHRI VISWANATH SWAMY, Advocate, Gangavathi, has been duly elected to fill the seat in the above constituency.

Place : Raichur.
Date : 7-4-1967.

JAYAKUMAR ANAGOL,
Returning Officer.

By Order and in the name of the Governor of Mysore,

M. A. AZIZ SIDDIQUI,
Under Secretary to Government,
Law Department (Elections).

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PART IV—I-C

BANGALORE, TUESDAY, APRIL 18, 1967
(CHAITRA 28, SAKA ERA 1889). | No. 105

ELECTION COMMISSION, INDIA.

NEW DELHI,
April 14, 1967.

NOTIFICATION.

No. 479/2/67(1).—In pursuance of rule 9 of the Presidential and Vice-Presidential Elections Rules, 1952, the Election Commission hereby—

(*a*) fixes each of the places specified in column 1 of the Table below to be a place of polling at the Presidential election, and

(*b*) with respect to each such place of polling, specifies in the corresponding entry in column 2 of the said Table the group of electors who will be entitled to vote at that place.

TABLE

Place of Polling	Group of Electors
1	2
(1) Room No. 63, First Floor, Parliament House, New Delhi.	Members of Parliament excluding those permitted by the Election Commission to vote at any other place of polling.
(2) Committee Room of Andhra Pradesh Legislative Assembly Buildings, Hyderabad.	Members of the Andhra Pradesh Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Hyderabad.
(3) Assembly Chamber in Assam Legislative Assembly Building, Shillong.	Members of the Assam Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Shillong.
(4) Reading Room of the Bihar Legislative Assembly Library, Patna.	Members of the Bihar Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Patna.
(5) Library Hall of the Gujarat Legislature Secretariat, Ahmedabad.	Members of the Gujarat Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Ahmedabad.
(6) Committee Room of the Haryana Vidhan Sabha Secretariat, Vidhan Bhawan, Chandigarh-1.	Members of the Haryana Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Chandigarh.
(7a) Jammu and Kashmir Legislative Assembly Lobby, Jammu.	Members of the Jammu and Kashmir Legislative Assembly elected from the constituencies in Jammu province and any Member of parliament permitted by the Election Commission to vote at Jammu.

1	2
(7b) Jammu and Kashmir Legislative Assembly Lobby, Srinagar.	Members of the Jammu and Kashmir Legislative Assembly elected from the constituencies in Kashmir province and any Member of Parliament permitted by the Election Commission to vote at Srinagar.
(8) Secretary's Room in the Kerala State Legislature Secretariat Buildings, Trivandrum.	Members of the Kerala Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Trivandrum.
(9) Committee Room of the Madhya Pradesh, Vidhan Sabha Bhavan, Bhopal.	Members of the Madhya Pradesh Legislative Assembly and any Member of Parliament permitted the Election Commission to vote at Bhopal.
(10) Lounge Room (Room Nos. 10 and 11) in ground floor of the Secretariat Buildings adjoining the Madras Legislative Assembly Chambers, Fort St. George, Madras.	Members of the Madras Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Madras.
(11) Maharashtra Legislative Assembly Hall including its Lobbies, Fort, Bombay.	Members of the Maharashtra Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Bombay.
(12) Room No. 118, First Floor, Vidhana Soudha, Bangalore-1.	Members of the Mysore Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Bangalore.
(13) Nagaland Legislative Assembly Hall, Kohima.	Members of the Nagaland Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Kohima.
(14) Office Room of the Secretary, Orissa Legislative Assembly in the State Legislative Assembly Building, Bhuvaneswar.	Members of the Orissa Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Bhuvaneswar.

1	2
(15) Committee Room of the Punjab Vidhan Sabha Secretariat, Vidhan Bhavan, Chandigarh-1.	Members of the Punjab Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Chandigarh.
(16) Cabinet Room in the Rajasthan Legislative Assembly Building, Jaipur.	Members of the Rajasthan Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Jaipur.
(17) Rooms occupied by Vidhan Mandal Pustakalya on the first floor, Council House, Lucknow.	Members of the Uttar Pradesh Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Lucknow.
(18) Assembly Chamber in the West Bangal Legislative Assembly, Assembly House, Calcutta-1.	Members of the West Bengal Legislative Assembly and any Member of Parliament permitted by the Election Commission to vote at Calcutta.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

NEW DELHI,
April 14, 1967.

NOTIFICATION

No. 479/2/67 (2).—In pursuance of clause (*b*) of rule 9 of the Presidential and Vice-Presidential Elections Rules, 1952, the Election Commission hereby specifies the hours from 10 A.M. to 4 P.M. to be the hours during which the poll will be taken at each place of polling fixed by the Commission in its notification No. 479/2/67 (1), dated the 14th April, 1967, for the Presidential Election.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, SATURDAY, APRIL 15, 1967
(CHAITRA 25, SAKA ERA 1889)

N 101

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 15th April, 1967.
Chaitra 25, 1889 (saka).

NOTIFICATION

No. 100/MY-CS/1/67 (1).—WHEREAS a vacancy has occurred in the seats allotted to the State of Mysore in the Council of States by reason of the election of Shri C. M. Poonacha to the House of the People and the consequent vacation by him of his seat in the Council of States in accordance with the provisions of sub-section (2) of Section 69 of the Representation of the People Act, 1951;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 147 of the said Act, the Election Commission hereby calls upon the elected members of the Legislative Assembly of the State of Mysore to elect, in accordance with the provisions of the said Act and of the rules and orders made thereunder, a person to fill the vacancy so caused before the 5th May, 1967.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 15th April, 1967.
Chaitra 25, 1889 (Saka).

NOTIFICATION

No. 100/MY-CS 1/67(2).—In pursuance of the provisions of sub-section ( ) of Section 3[illegible] of the Representation of the People Act, 1951, the Election Commission hereby appoints for the election to the Council of States to be held in pursuance of its notification No. 100/MY-CS/1/67(1), dated the 15th April, 1967 —

(a) the 22nd April, 1967, as the last date for making nominations;

(b) the 24th April, 1967, as the date for the scrutiny of nominations;

(c) the 26th April, 1967, as the last date for the withdrawal of candidatures;

(d) the 3rd May, 1967, as the date on which a poll shall, if necessary, be taken; and

(e) the 5th May, 1967, as the date before which the election shall be completed.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 15th April, 1967.
Chaitra 25, 1889 (Saka).

NOTIFICATION.

No. 100/MY-CS/1/67 (3). —In pursuance of section 56 of the Representation of the People Act, 1951, the Election Commission hereby fixes the hours from 11.00 A.M to 4.00 P.M. as the hours during which a poll shall, if necessary, be taken for the election to the Council of States to be held in pursuance of its notification No. 100/MY-CS/1/67 (1), dated the 15th April, 1967.

By Order,
K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 15th April, 1967.
Chaitra 25, 1889 (Saka).

NOTIFICATION.

No. 100/MY-CS/1/67 (4).—In exercise of the powers conferred by section 21 of the Representation of the People Act, 1951, the Election Commission, in consultation with the Government of Mysore, hereby designates the Secretary, Mysore Legislature, to be the Returning Officer for the Election to the Council of States to be held in pursuance of its notification No. 100/MY-CS/1/67 (1), dated the 15th April, 1967.

By Order,
K. S. RAJAGOPALAN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

NEW DELHI,

Dated the 15th April, 1967.
Chaitra 25, 1889 (Saka).

NOTIFICATION

No. 100/MY-CS/1/67 (5).—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby appoints the Deputy Secretary, Mysore Legislature to assist the Returning Officer for the election to the Council of States to be held in pursuance of its notification No. 100/MY-CS/1/67 (1), dated the 15th April, 1967, in the performance of his functions.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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PART IV-I C

BANGALORE, SATURDAY, APRIL 15, 1967 (CHAITRA 25, SAKA ERA 1889). No. 102

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 15th April, 1967.

NOTIFICATION

No. 100-MY-LC/4/67 (1).—WHEREAS a vacancy has occurred in the Mysore Legislative Council by reason of the resignation of Shri M. V. Krishnappa, elected to that Council by the members of the Legislative Assembly of the State of Mysore;

NOW, THEREFORE, in pursuance of the provisions of section 151 of the Representation of the People Act, 1951, the Election Commission hereby calls upon the said members of the State Legislative Assembly to elect before the 5th May, 1967, in accordance with the provisions of the said Act and of the rules and orders made thereunder, a person to fill the said vacancy.

By Order,

PRAKASH NARAIN,

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 15th April, 1967.

NOTIFICATION

No. 100/MY/LC/4/67(2).—In pursuance of the provisions of sub-Section (1) of section 39 of the Representation of the People Act, 1951, the Election Commission hereby appoints, with respect to the bye-election to the Mysore Legislative Council to be held in pursuance of its notification No. 100/MY/LC/4/67 (1), dated the 15th April, 1967,—

(*a*) the 22nd April, 1967, as the last date for making nominations;

(*b*) the 24th April, 1967, as the date for the scrutiny of nominations;

(*c*) the 26th April, 1967, as the last date for the withdrawal of candidatures;

(*d*) the 3rd May, 1967, as the date on which a poll shall, if necessary, be taken; and

(*e*) the 5th May, 1967, as the date before which the election shall be completed.

By Order,

PRAKASH NARAIN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 15th April, 1967.

NOTIFICATION

No. 100/MY/LC/4/67(3).—In pursuance of section 56 of the Representation of the People Act, 1951, the Election Commission hereby fixes the hours from 11 A.M. to 4 P.M. as the hours during which a poll shall, if necessary, be taken for the election to the Mysore Legislative Council to be held in pursuance of its notification No. 100/MY/LC/4/67(1), dated the 15th April, 1967.

By Order,

PRAKASH NARAIN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 15th April, 1967.

NOTIFICATION.

No. 100/MY/LC/4/67(4).—In exercise of the powers conferred by section 21 of the Representation of the People Act, 1951, the Election Commission, in consultation with the Government of Mysore, hereby designates the Secretary, Mysore Legislature, to be the Returning Officer for the bye-election to the Mysore Legislative Council to be held in pursuance of its notification No. 100/MY/LC/4/67(1), dated the 15th April, 1967.

By Order,

PRAKASH NARAIN,
Secretary to the Election Commission.

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 15th April, 1967.

NOTIFICATION.

No. 100/MY/LC/4/67 (5).—In exercise of the powers conferred by Sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby appoints the Deputy Secretary, Mysore Legislature, to assist the Returning Officer for the election to the Mysore Legislative Council to be held in pursuance of its notification No. 100/MY/LC/4/67(1), dated the 15th April, 1967.

By Order,

PRAKASH NARAIN,
Secretary to the Election Commission.

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The Mysore Gazette

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PART IV—1-C

BANGALORE, THURSDAY, APRIL 20, 1967
(CHAITRA 30, SAKA ERA 1889).

No. 106

LOK SABHA SECRETARIAT

LIST OF VALID NOMINATIONS

Election to the office of Vice-President of India

Final list of candidates for election

Serial No.	Name of candidate	Address of Candidate
1.	V. V. Giri	4, Giri Road, Madras-17.
2.	Habib	19, Badarbagh, Aligarh, (U.P.).

S. L. SHAKDHER,
Secretary, Lok Sabha
and
Returning Officer for the
Vice-Presidential Election.

New Delhi,
Dated, the 18th April, 1967.

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PART IV-I-C

BANGALORE, MONDAY, APRIL 24, 1967
(VAISHAKHA 4, SAKA ERA 1889).

No. 107

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 20th April, 1967
Chaitra 30, 1889 (Saka)

NOTIFICATION.

No. 480/2/67.-In pursuance of rule 10 of the Presidential and Vice-Presidential Elections Rules, 1952, the Election Commission hereby :—

(*a*) fixes Room No. 62 in Parliament House, New Delhi as the place of polling at the Vice-Presidential Election, and

(*b*) specifies the hours from 10 A.M. to 4 P M. as the hours during which the polling will be taken at the said election.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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The Mysore Gazette

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PART IV—1-C

BANGALORE, WEDNESDAY, APRIL 26, 1967
(VAISHAKHA 6, SAKA ERA 1889).

No. 108

RAJYA SABHA SECRETARIAT

LIST OF VALID NOMINATIONS

Election to the Office of President of India

FINAL LIST OF CANDIDATES FOR ELECTION

Serial No.	Name of Candidate	Address of Candidate
1	2	3
1	Shri Bhamburkar Shriniwas Gopal.	222, Sadashiv Peth, Poona-9.
2	Shri Brahma Deo	(of Village Keotipur-Ghazipur, U. P.) C/o Shri B. P. Sinha, 18/11, West Patel Nagar, New Delhi.
3	Shri Chandradutt Senani.	Sukulpur, Pratapgarh (U.P.)
4	Shri U. P. Chugani	Advocate, Fatehgarh, Bhopal (M.P.)
5	Dr. M. C. Davar	Connaught Place, Block B/31/32, New Delhi.
6	Ch. Hari Ram	Advocate, Hari-niwas, Rohtak (Haryana).
7	Shri Khubi Ram	Village Dabodha, Tehsil and District Gurgaon (Haryana).

1	2	3
8	Shri Koka Subbarao	2, Motilal Nehru Marg (York Road), New Delhi.
9	Shri Krishna Kumar Chatterjee.	13, Bhagabati Lane, Calcutta-26.
10	Shri Kumar Kamla Singh.	Editor, "Angar" Weekly, Motihari, Champaran (Bihar).
11	Dr. Man Singh	Editor, Indian Doctor, Barnala, Punjab.
12	Shrimati Manohara Holkar.	387, Govindpura Raisen Road, Bhopal
13	Shri Motilal Bhikhabhai Patel.	Gawada, Ta. Vijapur, District Mehsana (N.G.)
14	Shri Seetharamaiah Ramaswamy Sharma Hoysala.	Advocate, No. 77, Wilson Garden Division, Basavanagudi, Bangalore.
15	Swami Satyabhakt	Satyashram, Borgaon, Wardha (Maharashtra).
16	Shri Yamuna Prasad Trishulia.	Village & Post Middha, District Ballia.
17	Dr. Zakir Husain.	6, Maulana Azad Road, New Delhi.

B. N. BANERJEE,
Returning Officer.

Place : New Delhi,
Date : 18th April, 1967.

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The Mysore Gazette

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PART IV—I-C

BANGALORE, WEDNESDAY, APRIL 26, 1967
(VAISHAKHA 6, SAKA ERA 1889). | No. 109

ELECTION COMMISSION, INDIA.

NEW DELHI,

April 21, 1967.

Vaisakha 4, 1889 (*Saka*).

NOTIFICATION.

No. 479/8/67.—In exercise of the powers conferred by sub-rule (1) of Rule 11 of the Presidential and Vice-Presidential Elections Rules, 1952, the Election Commission hereby specifies the Assistant Returning Officer mentioned in column 1 of the Table below to be the officer who shall conduct the poll at the place of polling mentioned in the corresponding entry in column 2 of the said Table for the Presidential Election to be taken on the 6th May, 1967, in accordance with the Election Commission's notification No. 479/67, dated the 3rd April, 1967.

TABLE

	Assistant Returning Officer	Place of Polling
	1	2
1	The Secretary, Andhra Pradesh Legislative Assembly, Hyderabad.	Committee Room of Andhra Pradesh Legislative Assembly Buildings, Hyderabad.
2	The Secretary, Assam Legislative Assembly, Shillong.	Assembly Chamber in Assam Legislative Assembly Building, Shillong.
3	The Secretary, Bihar Legislative Assembly, Patna.	Reading Room of the Bihar Legislative Assembly Library, Patna.
4	The Secretary, Gujarat Legislative Assembly, Ahmedabad.	Library Hall of the Gujarat Legislature Secretariat, Ahmedabad.
5	The Secretary, Haryana Legislative Assembly, Chandigarh.	Committee Room of the Haryana Vidhan Sabha Secretariat, Vidhan Bhawan, Chandigarh-1.
6	The Under Secretary, Legislation, Jammu and Kashmir Legislative Assembly, Jammu.	Jammu and Kashmir Legislative Assembly Lobby, Jammu.
7	The Secretary, Jammu and Kashmir Legislative Assembly, Srinagar.	Jammu and Kashmir Legislative Assembly Lobby, Srinagar.
8	The Secretary, Kerala Legislative Assembly, Trivandrum.	Secretary's Room in the Kerala State Legislature Secretariat Buildings, Trivandrum.
9	The Secretary, Madhya Pradesh Legislative Assembly, Bhopal.	Committee Room of the Madhya Pradesh Vidhan Sabha Bhavan, Bhopal.
10	The Secretary, Madras Legislative Assembly, Madras.	Lounge Room (Room Nos. 10 and 11) in ground floor of the Secretariat Buildings adjoining the Madras Legislative Assembly Chambers, Fort St. George, Madras.

1		2
11	The Secretary, Maharashtra Legislative Assembly, Bombay.	Maharashtra Legislative Assembly Hall including its Lobbies. Fort, Bombay.
12	The Secretary, Mysore Legislative Assembly, Bangalore.	Room No. 118, First Floor, Vidhana Soudha, Bangalore-1.
13	The Secretary, Nagaland Legislative Assembly, Kohima.	Nagaland Legislative Assembly Hall, Kohima.
14	The Secretary, Orissa Legislative Assembly, Bhubaneswar.	Office Room of the Secretary, Orissa Legislative Assembly in the State Legislative Assembly Building, Bhubaneswar.
15	The Secretary, Punjab Legislative Assembly, Chandigarh.	Committee Room of the Punjab Vidhan Sabha Secretariat, Vidhan Bhavan, Chandigarh-1.
16	The Secretary, Rajasthan Legislative Assembly, Jaipur.	Cabinet Room in the Rajasthan Legislative Assembly Building, Jaipur.
17	The Secretary, Uttar Pradesh Legislative Assembly, Lucknow.	Rooms occupied by Vidhan Mandal Pustakalaya on the first floor, Council House, Lucknow.
18	The Secretary, West Bengal Legislative Assembly, Calcutta.	Assembly Chamber in the West Bengal Legislative Assembly, Assembly House, Calcutta-1.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV—I-C

BANGALORE, WEDNESDAY, APRIL 26, 1967
(VAISHAKHA 6, SAKA ERA 1889).

No. 110

ELECTION COMMISSION, INDIA.

NEW DELHI,
April 24, 1967.
Vaisakha 4, 1889 (Saka)

NOTIFICATION

No. 479/1/67.—In pursuance of sub-section (1) of section 3 of the Presidential and Vice-Presidential Elections Act, 1952, the Election Commission hereby appoints, in addition to the officers appointed by Notification No. 479/1/67, dated the 5th April, 1967, the Under Secretary, Legislation, Jammu and Kashmir Legislative Assembly, Jammu, as an Assistant Returning Officer for the Presidential Election.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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(EXTRAORDINARY)

PART IV—2-C-(ii)

BANGALORE, WEDNESDAY, APRIL 26, 1967
(VAISHAKHA 6, SAKA ERA 1889)

No. 111

LEGISLATURE SECRETARIAT

FORM 7-B

Bangalore, dated 26th April 1967.

LIST OF CONTESTING CANDIDATES

[See *Rule 10 (1)*]

Bye-Election to the Legislative Council of Mysore by the Members of the Mysore Legislative Assembly.

S. O. 720.—

Sl. No. 1	Name of Candidate 2	Address of Candidate 3
1.	Sri Rangappa, B.	Malenahalli, Nulenur Post, Holalkere Taluk, Chitradurga District.
2.	Sri Suryanarayana Rao, K. S.	145, College Road, Mysore City.

Place: Vidhana Soudha,
Bangalore-1.

Date: 26*th April*, 1967.

[No. 1871/LA.]

TE. HANUMANTHAPPA,
Secretary,
Mysore Legislature and
Returning Officer.

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The Mysore Gazette

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PART IV—1-C

BANGALORE, MONDAY, MAY 1, 1967
(VAISHAKHA 11, SAKA ERA 1889). | No. 115

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 25th April, 1967.
Vaisakha 5, 1889 (Saka).

NOTIFICATION.

No. 3/3/66.—In pursuance of clause (*a*) of article 84 and clause (*a*) of article 173 of the Constitution, and in supersession of its notifications No. 3/130/65 (1) and No. 3/130/65 (2), dated the 2nd January 1965, the Election Commission hereby directs—

(*a*) that a candidate for election to the House of the People by a parliamentary constituency or to the Legislature of a State by an assembly constituency or a council constituency shall make and subscribe the oath or affirmation, according to the form set out for the purpose in the Third Schedule to the Constitution, before the returning officer or an assistant returning officer for that constituency; and

(*b*) that a candidate for election to the Council of States or for election to the Legislative Council of a State by the members of the Legislative Assembly of the State shall make and subscribe the said oath or affirmation before the returning officer or an assistant returning officer for that election:

Provided that if any such candidate is at the time—

(i) confined in a prison or under preventive detention, he may make and subscribe the said oath or affirmation before the superintendent of the prison or commandant of the detention camp in which he is so confined or under such detention;

(ii) confined to bed in a hospital or elsewhere owing to illness, he may make and subscribe the said oath or affirmation before the medical superintendent in charge of the hospital or before the medical practitioner attending on him.

By order,

K. S. RAJAGOPALAN,

Secretary to the Election Commission.

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The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—1-C

BANGALORE, TUESDAY, MAY 2, 1967
(VAISHAKHA 12, SAKA ERA 1889).

No. 115

NOTIFICATION.

(LAW DEPARTMENT.)

No. LAW 19 EBE 67, dated the 2nd May 1967.

In pursuance of the provisions of Section 67 of the Representation of the People Act, 1951 (43 of 1951), the following declaration is published for general information:—

DECLARATION.

Bye-election to the Mysore Legislative Council by the Bangalore Local Authorities' Constituency.

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with Rule 64 of the Conduct of Elections Rules, 1961, I declare that—

SHRI M. KRISHNAPPA,

15, Lalbagh Road, Bangalore

has been duly elected to fill the seat in the above constituency caused by the resignation of Shri K. G. Thimma Gowda.

Bangalore,
1st May, 1967.

B. C. CHANNARAJ URS,
Returning Officer,
Bangalore Local Authorities' Constituency.

By Order and in the name of the Governor of Mysore,

M. A. AZIZ SIDDIQUI,
Under Secretary to Government,
Law Department (Elections).

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bl'ore.

The Mysore Gazette

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(EXTRAORDINARY)

PART IV—I-C

BANGALORE, WEDNESDAY, MAY 3, 1967
(VAISHAKHA 13, SAKA ERA 1889).

No. 120

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 19 EBE 67, dated the 3rd May 1967.

In pursuance of the provisions of Section 67 of the Representation of the People Act, 1951 (43 of 1951), the following declaration is published for general information :—

Declaration.

BYE-ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY.

18-SHAHPUR CONSTITUENCY

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Shri Bapugouda S/o Rayappagouda
of Shahpur, District Gulbarga,

has been duly elected to fill the seat in the above constituency caused by the resignation of Sri Raja Venkatappa Naik S/o Raja Krishtappa Naik.

Place: Shahpur.

Dated: 1st May 1967.

G. R. DANEWALE,
Returning Officer,
18-Shahpur Assembly Constituency.

By Order and in the name of the Governor of Mysore,

M. A. AZIZ SIDDIQUI,
Under Secretary to Government,
Law Department (Elections).

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Shri Bapugouda S/o Rayappagouda
of Shahpur, District Gulbarga,

has been duly elected to fill the seat in the above constituency caused by the resignation of Sri Raja Venkatappa Naik S/o Raja Krishtappa Naik.

Place: Shahpur.

Dated: 1st May 1967.

G. R. DANEWALE,
Returning Officer,
18-Shahpur Assembly Constituency.

By Order and in the name of the Governor of Mysore,

M. A. AZIZ SIDDIQUI,
Under Secretary to Government,
Law Department (Elections).

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV—I-C

BANGALORE, WEDNESDAY, MAY 3, 1967
(VAISHAKHA 13, SAKA ERA 1889).

No. 120

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 19 EBE 67, dated the 3rd May 1967.

In pursuance of the provisions of Section 67 of the Representation of the People Act, 1951 (43 of 1951), the following declaration is published for general information :—

Declaration.

BYE-ELECTION TO THE MYSORE LEGISLATIVE ASSEMBLY.

18-SHAHPUR CONSTITUENCY

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Reg. No. B.G. 202.

The Mysore Gazette

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(EXTRAORDINARY)

PART IV—1-C

BANGALORE, TUESDAY, MAY 2, 1967
(VAISHAKHA 12, SAKA ERA 1889).

No. 113

NOTIFICATION.

(LAW DEPARTMENT.)

No. LAW 19 EBE 67, dated the 2nd May 1967.

In pursuance of the provisions of Section 67 of the Representation of the People Act, 1951 (43 of 1951), the following declaration is published for general information:—

DECLARATION.

Bye-election to the Mysore Legislative Council by the Bangalore Local Authorities' Constituency.

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with Rule 64 of the Conduct of Elections Rules, 1961, I declare that—

SHRI M. KRISHNAPPA,

15, Lalbagh Road, Bangalore

has been duly elected to fill the seat in the above constituency caused by the resignation of Shri K. G. Thimma Gowda.

Bangalore,
1st May, 1967.

B. C. CHANNARAJ URS,
Returning Officer,
Bangalore Local Authorities' Constituency.

By Order and in the name of the Governor of Mysore,

M. A. AZIZ SIDDIQUI,
Under Secretary to Government,
Law Department (Elections).

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(*b*) that a candidate for election to the Council of States or for election to the Legislative Council of a State by the members of the Legislative Assembly of the State shall make and subscribe the said oath or affirmation before the returning officer or an assistant returning officer for that election:

Provided that if any such candidate is at the time—

(i) confined in a prison or under preventive detention, he may make and subscribe the said oath or affirmation before the superintendent of the prison or commandant of the detention camp in which he is so confined or under such detention;

(ii) confined to bed in a hospital or elsewhere owing to illness, he may make and subscribe the said oath or affirmation before the medical superintendent in charge of the hospital or before the medical practitioner attending on him.

By order,

K. S. RAJAGOPALAN,

Secretary to the Election Commission.

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The Mysore Gazette

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PART IV—1-C

BANGALORE, MONDAY, MAY 1, 1967 (VAISAKHA 11, SAKA ERA 1889). | No. 115

ELECTION COMMISSION, INDIA.

NEW DELHI,

Dated the 25th April, 1967.
Vaisakha 5, 1889 (Saka).

NOTIFICATION.

No. 3/3/66.—In pursuance of clause (*a*) of article 84 and clause (*a*) of article 173 of the Constitution, and in supersession of its notifications No. 3/130/65 (1) and No. 3/130/65 (2), dated the 2nd January 1965, the Election Commission hereby directs—

(*a*) that a candidate for election to the House of the People by a parliamentary constituency or to the Legislature of a State by an assembly constituency or a council constituency shall make and subscribe the oath or affirmation, according to the form set out for the purpose in the Third Schedule to the Constitution, before the returning officer or an assistant returning officer for that constituency; and

made and shall be deemed to have been made with effect from the 30th March, 1967, namely:—

In the Table, in column 2, against the item "9. Maharashtra", below the entry 13, the following entries shall be added:

"14. Ladder
15. Flower".

[No. 56/67-II]

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV—1-C

BANGALORE, MONDAY, MAY 1, 1967
(VAISHAKHA 11, SAKA ERA 1889)

No. 114

ELECTION COMMISSION, INDIA.

NEW DELHI,

Dated the 25th April, 1967
Vaisakha 5, 1889 (Saka).

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 5 of the Conduct of Elections Rules, 1961, the Election Commission hereby directs that in the notification No. 56/66 (S. O. 3667), dated the 1st December, 1966 as amended by notifications No. 56/66, II (S. O. 3872), 56/66-III (S. O. 4035), 56/66-IV (S. O. 4041), 56/67 (S. O. 513) and 56/67-I (S. O. 923), dated the 14th, 28th, the 29th December, 1966, the 7th February and the 14th March 1967 respectively, the following further amendments shall be

ORDER.

Bangalore, dated 25th March 1967.

S. O. 757.—WHEREAS by State Government Order No. LMA 461 LLD 66, dated 9th January 1967, the Industrial Dispute between the Workmen and the Management of Kraft Productions, Hubli was referred to the Labour Court, Hubli for adjudication;

AND WHEREAS, the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 461 LLD 66.]

By Order and in the name of the Governor of Mysore,

3272 G. G. PUROHIT, *Under Secy.*

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Both the parties abide by the regulations of 18 and 19 of Industrial Disputes Act.

Witness : Signature of parties :

1. Sd:..... Party I Sd:.....

Party II Sd:.....

Sri S. S. Nargund, General Manager of the Kraft Productions, Koppikar Road, Hubli and Sri A. J. Mudhol, President of the Kraft Productions Workers' Union admitted before me the execution of this compromise agreement.

Hence, verified.

Sd/-

Presiding Officer,
Labour Court, Hubli.

Sd : (A. J. Mudhol)

Sd : (S. S. Nargund)

Place : Hubli

Date : 16-3-1967

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

ANNEXURE

Reference (I.D.) (LCH) No. 1 of 1967

Memorandum of Settlement

Representing Employer	...	Shri S. S. Nargund, Manager, Kraft Productions, Hubli.
Representing Employee himself	...	Shri G. T. Dadamode.

Short Recital of the Case.

Whereas an Industrial dispute arose between the Management Kraft Productions, Hubli, and its workmen represented by the Kraft Production Union on account of complaint filed by Shri G. T. Dadamode regarding his dismissal was taken up in conciliation and was failed and subsequently has been referred to Labour Court, Hubli. Whereas the employee Party II has personally requested the I Party for re-employment stating that he has resigned the membership of Kraft Production Workers' Union and he is willing to withdraw his own case pending before Presiding Officer, Labour Court, Hubli.

Whereas after detailed discussions, the parties have come to amicable settlement as detailed below:

Terms of Settlement

(1) The II Party Sri G. T. Dadamode, Ex-fitter of Kraft Productions, Hubli 9 (who is ceased to be a member of the Kraft Production Workers' Union) agrees to withdraw his case No. LMA 461 LLD 66, dated 9th January 1967 pending before the Labour Court.

(2) The II Party has agreed of his frequent absence which were beyond his control due to sickness, etc., and assures that in future he will not give room to such irregularities to his duties as happened previously.

(3) The I Party agrees to re-employ the Party II on the same terms and conditions as were before 1st August 1966.

The I Party agrees to re-employ Party II temporarily for the first three months and after completion of three months he will be absorbed as a permanent worker subject to the satisfaction of his work and conduct. His services will be counted afresh from the date of his reporting for duty in factory.

management. Notices were issued to the parties to file their pleadings. In the mean time, the parties having compromised the dispute out of Court, filed a compromise agreement dated, 23rd January 1967 and the same was duly verified by me on 14th March 1967.

AWARD.

The compromise agreement dated 23rd January 1967 is made the award of the Court. It shall be read as a part of the award. The parties shall bear their own costs.

SYED AZIZUDDIN AHMED.
Presiding Officer,
Labour Court, Hubli.

Place: Hubli
Date: 16-3-1967

GOVERNMENT OF MYSORE.

LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Kraft Productions. Hubli.

Award of the Labour Court, Hubli—Published.
Read the following papers:—

(i) Letter No. R1/66-67/311, dated 16th March 1967, from Shri Syed Azizuddin Ahmed, Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated 16th March 1967.

Reference.

(I D) (LCH) No. 1 of 1967.

Present.

Sri Syed Azizuddin Ahmed, M.A., B.L, Presiding Officer.

Between

The Workmen of Kraft Productions, Hubli represented by The General Secretary, Kraft Production Workers' Union, Hubli. ... *I Party.*

and

The Management of Kraft Productions, Hubli. ... *II Party.*

This is a reference under section 10(1)(c) of the Industrial Disputes Act, 1947 made by The Government of Mysore in their Order No. LMA 461 LLD 66, dated 9th January 1967. The points of dispute referred for adjudication are as under :

> Whether the dismissal of Sri G. T. Dodmode by the management of Kraft Productions, Hubli is justified ? If not to what relief he is entitled ?

2. The cause of the aggrieved workmen has been sponsored and espoused by The Kraft Productions Workers' Union, Hubli represented by its General Secretary Sri A. J. Mudhol. President of the I Party appeared for the Union while Sri S. S. Naragund, General Manager appeared for the II Party

The Mysore Gazette

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PART IV—I-C

BANGALORE, THURSDAY, MAY 4, 1967
(VAISHAKHA 14, SAKA ERA 1889).

No. 121

NOTIFICATION.

(LAW DEPARTMENT .

No. LAW 13 EBE 67, dated the 4th May 1967.

In pursuance of the provisions of Section 67 of the Representation of the People Act, 1951 (43 of 1951), the following declaration is published for general information :—

Declaration.

BYE-ELECTION TO THE MYSORE LEGISLATIVE COUNCIL BY THE MEMBERS OF THE MYSORE LEGISLATIVE ASSEMBLY.

In pursuance of the provisions contained in Section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that :—

Shri B. RANGAPPA, Malenahalli, Nulenur Post, Holelkere Taluk, Chitradurga District,

has been duly elected to fill seat in the Mysore Legislative Council caused by the resignation of Sri M. V. Krishnappa.

Place : Vidhana Soudha, Bangalore-1.

Dated : 3rd May 1967.

TE. HANUMANTHAPPA,
Returning Officer.

By Order and in the name of the Governor of Mysore,

M. A. AZIZ SIDDIQUI,
Under Secretary to Government,
Law Department (Elections).

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV—1-C

BANGALORE, FRIDAY, MAY 5, 1967
(VAISHAKHA 15, SAKA ERA 1889)

No. 122

LAW SECRETARIAT

NOTIFICATION

No. LAW 12 EBE 67, dated 5th May 1967.

In exercise of the powers conferred by sub-clause (*e*) of clause (3) read with clause (5) of Article 171 of the Constitution of India, the Governor of Mysore hereby nominates Shri K. Subba Rao, Advocate, Ramanagaram, to be a member of the Mysore Legislative Council in the vacancy caused by the resignation of Shri B. T. Murnal.

V. V. GIRI,
Governor of Mysore.

By Order and in the name of the Governor of Mysore,

M. SYED MURSHED PEER,
Deputy Secretary to Government
Law Department (Elections).

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PART IV—1-C

BANGALORE, FRIDAY, MAY 5, 1967
(VAISHAKHA 15, SAKA ERA 1889)

No. 123

LAW SECRETARIAT

ORDER.

No. LAW 14 EBE 67, dated 5th May 1967.

WHEREAS the Governor of Mysore is of the opinion that the Anglo-Indian Community needs representation in the Mysore Legislative Assembly and is not adequately represented therein;

NOW, THEREFORE, in exercise of the powers conferred upon me by Article 333 of the Constitution of India, I, V. V. Giri, Governor of Mysore, do hereby nominate Major P. F. D'Mellow, 5/2, Albert Street, Richmond Town, Bangalore, a member of the Anglo-Indian Community, to the Mysore Legislative Assembly.

V. V. GIRI,
Governor of Mysore.

By Order and in the name of the Governor of Mysore,

M. SYED MURSHED PEER,
Deputy Secretary to Government,
Law Department (Elections).

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PART IV—1-C

BANGALORE, WEDNESDAY, MAY 31, 1967 (JYEISHTA 10, SAKA ERA 1889). No. 133

ELECTION COMMISSION, INDIA.

NEW DELHI,

Dated the 25th May, 1967
Jyeishta 4, 1889 (Saka)

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule (5) of the Conduct of Elections Rules, 1961, the Election Commission hereby directs that in its notification No. 56/66 (S. O. 3667), dated the 1st December, 1966 as amended by notifications Nos. 56/66-II (S O 3872), 56/66-III (S. O 4035) and 56/66-IV (S. O 4041), dated the 14th, 28th and 29th December, 1966, respectively, the following entries made in column 2 thereof in respect of the States mentioned below shall be deleted :—

(i) "2. Assam	7	Camel
	8	Pot"

(ii)	"3.	Bihar	7 Pot 8 Boat 9 Camel 10 Spade and Stoker"
(iii)	"5.	Haryana	7 Lion 8 Boat 9 Flower 10 Spade and Stoker"
(iv)	"7.	Madhya Pradesh	7 Sparrow 8 Scales 9 Spade 10 Railway Engine 11 Pot 12 Camel 13 Boat 14 Hand 15 Cart 16 Ladder"
(v)	"9.	Maharashtra	7 Cock 8 Boat 9 Camel 10 Pitcher 11 Railway Engine 12 Spade 13 Sparrow 14 Ladder 15 Flower"
(vi)	"10.	Mysore	7 Boat 8 Camel 9 Spade"
(vii)	"11.	Orissa	7 Boat"
(viii)	"12.	Punjab	7 Camel 8 Spade 9 Railway Engine"

(ix) "13.	Rajasthan	7	Two leaves
		8	Lion
		9	Sparrow
		10	Spade and Stoker
		11	Boat"
(x) "14.	Uttar Pradesh	7	Railway Engine
		8	Two leaves
		9	Spade
		10	Pot
		11	Boat
		12	Sparrow
		13	Camel
		14	Ladder
		15	Cart
		16	Hand"
(xi) "17.	Goa, Daman and Diu	7	Boat
		8	Railway Engine
		9	Camel
		10	Pot"
(xii) "18.	Himachal Pradesh	7	Boat
		8	Horse
		9	Camel"
(xiii) "23.	Chandigarh	5	Camel
		6	Spade"
(xiv) "25.	Laccadive, Minicoy & Amindive Islands	5	Spade"

[56/67]

By order,

K. S. RAJAGOPALAN,

Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, THURSDAY, JULY 6, 1967
(ASHADHA 15, SAKA ERA 1889). No. 142

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 4th July, 1967.

NOTIFICATION

No. 37/MY/67.—In exercise of the powers conferred by the proviso to sub-rule (1) of rule 12, read with sub-rule (5) of rule 31, of the Registration of Electors Rules, 1960, the Election Commission hereby extends upto and including the 15th July, 1967, the period within which a claim for the inclusion of a name or an objection to an entry, in the electoral roll for Mysore North Central Teachers' constituency of the State of Mysore, shall be made.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, MONDAY, AUGUST 7, 1967
(SHRAVANA 16, SAKA ERA 1889)

No. 164

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 7th August, 1967.

NOTIFICATION.

No. 100/MY-LC/1/67 (1).—WHEREAS a vacancy has occurred in the Mysore Legislative Council by reason of the resignation of Shri A. R. Badrinarayan elected to that Council from the Mysore North Central Teachers' Constituency;

NOW, THEREFORE, in pursuance of the provisions of section 151 of the Representation of the People Act, 1951, the Election Commission hereby calls upon the said constituency to elect before the 14th September, 1967, in accordance with the provisions of the said Act and of the Rules and Orders made thereunder, a person to fill the said vacancy.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, MONDAY, AUGUST 7, 1967 (SHRAVANA 16, SAKA ERA 1889) | No. 165

ELECTION COMMISSION, INDIA.

NEW DELHI,

Dated the 7th August, 1967

NOTIFICATION.

No. 100/MY/LC/1/67(2).—In pursuance of the provisions of section 30 of the Representation of the People Act, 1951, the Election Commission hereby appoints, with respect to the bye-election to be held in the Mysore North Central Teachers' Constituency of the Legislative Council of the State of Mysore in pursuance of its notification No. 100/MY-LC/1/67(1), dated the 7th August, 1967—

(*a*) the 14th August, 1967, as the last date for making nominations;

(*b*) the 16th August, 1967, as the date for the scrutiny of nominations;

(*c*) the 18th August, 1967, as the last date for the withdrawal of candidatures;

(*d*) the 9th September, 1967, as the date on which a poll shall, if necessary, be taken; and

(*e*) the 14th September, 1967, as the date before which the election shall be completed.

By Order,

K. S. RAJAGOPALAN,

Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, MONDAY, AUGUST 7, 1967
(SHRAVANA 16, SAKA ERA 1889).

No. 166

ELECTION COMMISSION, INDIA.

NEW DELHI,
Dated the 7th August, 1967.

NOTIFICATION.

No. 100/MY/LC/1/67 (3).—In pursuance of section 56 of the Representation of the People Act, 1951. the Election Commission hereby fixes the hours from 8 A.M. to 4 P.M. as the hours during which a poll shall, if necessary, be taken for the election to the Mysore Legislative Council, from the Mysore North Central Teachers' Constituency to be held in pursuance of its notification No. 100/MY LC/1/67 (1), dated the 7th August, 1967.

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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(EXTRAORDINARY)

PART IV—1-C

BANGALORE, THURSDAY, AUGUST 31, 1967 (BHADRAPADA 9, SAKA ERA 1889). | No. 177

FOOD, CIVIL SUPPLIES AND LABOUR SECRETARIAT

NOTIFICATION

No. FSD 45 RRM 67, Bangalore, dated 31st August 1967.

Ordered that the accompanying Notification No. G. S. R. 1111, dated 24th July 1967 of the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food), New Delhi, which has been published in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (1), dated 24th July 1967 be republished in the *Mysore Gazette*, Extraordinary, for general information.

By Order and in the name of the Governor of Mysore,

R. ANANDAKRISHNA,

Secretary to Government,

Food, Civil Supplies and Labour Department.

GOVERNMENT OF INDIA.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION.

(Department of Food)

ORDER

New Delhi, the 24th July, 1967.

G. S. R. 1111.—In exercise of the powers conferred by Sections 5 of the Essential Commodities Act, 1955 (10 of 1955) and in supersession of the Order of the Government of India in the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Food) No. G. S. R. 906, dated the 9th June, 1966 (as subsequently amended), the Central Government hereby directs that the powers conferred on it by sub-section (1) of Section 3 of the said Act to make orders to provide for the matters specified in clauses (a), (b), (c), (d), (e), (f), (h), (i), (ii) and (j) of sub-section (2) thereof shall, in relation to foodstuffs be exercisable also by a State Government subject to the conditions—

(1) that such powers shall be exercised by a State Government subject to such directions, if any, as may be issued by the Central Government in this behalf; and

(2) that before making an order relating to any matter specified in the said clauses (a) and (c) or in regard to regulation of transport of any foodstuffs under the said clause (d), the State Government shall also obtain the prior concurrence of the Central Government.

[No. 203 (GEN) (6)/956/66-PY. II.]

R. BALASUBRAMANIAN,
Joint Secretary.

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PART IV 1-C

BANGALORE, FRIDAY, SEPTEMBER 29, 1967 (ASVIJA 7, SAKA ERA 1889). | No. 204

ELECTION COMMISSION, INDIA.

NEW DELHI.

Dated the 26th September, 1967
Asvina 4, 1889 (*Saka*)

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 5 of the Conduct of Elections Rules, 1961, and in supersession of its Notification No. 56/66, dated the 1st December, 1966 (S.O. 3367), the Election Commission notifies as follows:—

1. In this notification.—

(a) 'recognised party' means any political party for which a symbol is reserved in one or more States according to the Table below:

(b) 'multi-State party' means any of the following recognised parties, namely (i) the Indian National Congress, (ii) the Swatantra Party, (iii) the Bharatiya Jana Sangh, (iv) Communist

Party of India, (v) the Samyukta Socialist Party, (vi) the Communist Party of India (Marxist) and (vii) the Praja Socialist Party; and

(c) 'reserved symbol' means, in relation to any recognised party specified in column 4 of the Table below, the symbol specified against that party in column 3 thereof.

2. The choice of symbols to be made by candidates at any election in a parliamentary or assembly constituency in a State specified in column 1 of the Table shall be made from the free symbols specified in column 2, or from the reserved symbols specified in column 3, of the Table against that State:

Provided that any such candidate sponsored by a recognised party specified against that State in column 4 of the Table shall choose, and shall be allotted, the reserved symbol of that party and no other symbol:

Provided further that any such candidate sponsored by a multi-State party not specified against that State in column 4 of the Table may choose, and may be allotted, the reserved symbol of that party.

3. Any other candidate shall choose, and shall be allotted, one of the free symbols specified against the State in column 2 of the Table, and no other symbol:

Provided that if two or more of such candidates have indicated their first preference for the same free symbol, the returning officer shall.—

(a) if one of them is a sitting member of the House of the People or of the State Legislative Assembly, as the case may be, and was allotted that symbol at the previous election when he was chosen as such member, allot the symbol to that candidate, and

(b) in any other case, decide by lot to which of the candidates the symbol shall be allotted.

4. For the purposes of paragraph 2 of this notification, a candidate shall be deemed to be sponsored by a particular recognised party if, and only if,—

(a) the candidate has made a declaration to that effect in his nomination paper,

(b) a notice in writing to that effect has, not later than 3 P.M. on the last date for withdrawal of candidatures been delivered to the returning officer of the constituency, and

(c) the said notice is signed by the president, secretary or other office-bearer of the party who is authorised by the party to send such notices and whose name and specimen signature have been communicated in advance to the said returning officer and to the chief electoral officer of the State.

TABLE

State/Union territory	Free symbols		Reserved symbols		Party for which symbol is reserved.
1	2		3		4
Andhra Pradesh ...	1	Bicycle	1	Two bullocks with yoke on	Indian National Congress
	2	Flower	2	Star	Swatantra Party
	3	Horse	3	Ears of corn and sickle	Communist Party of India
	4	Scales	4	Hammer, Sickle and Star	Communist Party of India (Marxist).
	5	Spade			
	6	Two leaves			
Assam ...	1	Bicycle	1	Two bullocks with yoke on	Indian National Congress
	2	Boat	2	Hut	Praja Socialist Party
	3	Lion	3	Ears of corn and sickle	Communist Party of India
	4	Scales	4	Flower	All Party Hill Leaders' Conference
	5	Spade			
	6	Two leaves			
Bihar ...	1	Flower	1	Two bullocks with yoke on	Indian National Congress
	2	Horse	2	Tree	Samyukta Socialist Party
	3	Lion	3	Ears of corn and sickle	Communist Party of India.
	4	Rising Sun	4	Lamp	Bharatiya Jana Sangh
	5	Scales	5	Hut	Praja Socialist Party.
	6	Two leaves			

4	Gujarat	...	1	Bicycle	1	Two bullocks with yoke on
			2	Flower	2	Star
			3	Lion		
			4	Rising Sun		
			5	Scales		
			6	Two leaves		
			7	Horse		
5	Haryana	...	1	Bicycle	1	Two bullocks with yoke on
			2	Hand	2	Lamp
			3	Horse	3	Star
			4	Rising Sun		
			5	Scales		
			6	Two leaves		
6	Kerala	...	1	Bicycle	1	Two bullocks with yoke on
			2	Boat	2	Hammer, sickle and Star.
			3	Flower	3	Tree
			4	Scales	4	Ears of corn and sickle
			5	Spade and stoker	5	Ladder
			6	Two leaves	6	Horse
7	Madhya Pradesh	...	1	Bicycle	1	Two bullocks with yoke on
			2	Flower	2	Lamp
			3	Horse		
			4	Lion		
			5	Rising Sun		
			6	Two leaves		

	Indian National Congress
	Swatantra Party
	Indian National Congress
	Bharatiya Jana Sangh
	Swatantra Party
	Indian National Congress
	Communist Party of India (Marxist).
	Samyukta Socialist Party
	Communist Party. of India
	Muslim League
	Kerala Congress
	Indian National Congress
	Bharatiya Jana Sangh

1	2	3	4
8 Madras ...	1 Bicycle	1 Two bullocks with yoke on	Indian National Congress
	2 Flower	2 Rising Sun	Dravida Munnetra Kazhagam
	3 Lion	3 Star	Swatantra Party
	4 Scales	4 Hammer, sickle and star	Communist Party of India (Marxist).
	5 Spade		
	6 Two leaves		
9 Maharashtra ...	1 Bicycle	1 Two bullocks with yoke on	Indian National Congress
	2 Horse	2 Elephant	Republican Party of India
	3 Lion	3 Cart	Peasants' and Workers' Party
	4 Rising Sun	4 Ears of corn and sickle	Communist Party of India
	5 Scales	5 Lamp	Bharatiya Jana Sangh
	6 Two leaves	6 Tree	Samyukta Socialist Party
10 Mysore ...	1 Bicycle	1 Two bullocks with yoke on	Indian National Congress
	2 Flower	2 Star	Swatantra Party
	3 Lion	3 Hut	Praja Socialist Party
	4 Rising Sun	4 Scales	Janata Paksha
	5 Scales		
	6 Two leaves		

11	Orissa	...	1	Bicycle	1	Two bullocks with yoke on
			2	Flower	2	Star
			3	Horse	3	Hut
			4	Lion	4	Tree
			5	Scales	5	Ears of corn and sickle
			6	Two leaves	6	Scales
12	Punjab	...	1	Bicycle	1	Two bullocks with yoke on
			2	Horse		
			3	Lion	2	Scales
			4	Flower		
			5	Two leaves	3	Lamp
			6	Rising sun	4	Ears of corn and sickle
13	Rajasthan	...	1	Bicycle	1	Two bullocks with yoke on
			2	Camel		
			3	Flower	2	Star
			4	Horse	3	Lamp
			5	Rising sun	4	Tree
			6	Scales		
14	Uttar Pradesh	...	1	Bicycle	1	Two bullocks with yoke on
			2	Flower	2	Lamp
			3	Horse	3	Tree
			4	Lion		
			5	Rising sun		
			6	Scales		

	Indian National Congress
	Swatantra Party
	Praja Socialist Party
	Samyukta Socialist Party
	Communist Party of India
	Jana Congress
	Indian National Congress
	Shiromani Akali Dal (Sant Fateh Singh Group)
	Bharatiya Jana Sangh
	Communist Party of India
	Indian National Congress
	Swatantra Party
	Bharatiya Jana Sangh
	Samyukta Socialist Party
	Indian National Congress
	Bharatiya Jana Sangh
	Samyukta Socialist Party

1		2		3		4
15	West Bengal ...	1	Bicycle	1	Two bullocks with yoke on	Indian National Congress
		2	Flower	2	Hammer, Sickle and star	Communist Party of India (Marxist)
		3	Rising sun	3	Plough	Bangla Congress
		4	Scales	4	Ears of corn and sickle	Communist Party of India
		5	Spade and Stoker	5	Lion	
		6	Two leaves			Forward Bloc
		7	Horse			
16	Delhi ...	1	Bicycle	1	Lamp	Bharatiya Jana Sangh
		2	Flower	2	Two bullocks with yoke on	Indian National Congress
		3	Lion			
		4	Rising sun			
		5	Scales			
		6	Two leaves			
		7	Horse			
17	Goa, Daman and Diu ...	1	Bicycle	1	Lion	Maharashtrawadi Gomantak
		2	Flower	2	Hand	United Goans (Sequeira Group)
		3	Horse			
		4	Scales			
		5	Spade			
		6	Two leaves			

1	2	3	4
22 Andaman and Nicobar Islands.	1 Bicycle 2 Boat 3 Scales 4 Two leaves 5 Rising sun	Two bullocks with yoke on	Indian National Congress
23 Chandigarh ...	1 Bicycle 2 Horse 3 Scales 4 Two leaves	1 Lamp 2 Two bullocks with yoke on 3 Star	Bharatiya Jana Sangh Indian National Congress Swatantra Party
24 Dadra and Nagahaveli.	1 Bicycle 2 Horse 3 Scales 4 Two leaves	1 Two bullocks with yoke on 2 Hammer, sickle and star	Indian National Congress Communist Party of India (Marxist)
25 Laccadive, Minicoy and Amindivi Islands.	1 Bicycle 2 Boat 3 Scales 4 Two leaves		

[No. 56/67-III]

By order,

K. S. RAJAGOPALAN,

Secretary to the Election Commission.

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18	Himachal Pradesh...	1	Bicycle	1	Two bullocks with yoke on	Indian National Congress
		2	Flower	2	Lamp	Bharatiya Jana Sangh
		3	Lion	3	Star	Swatantra Party
		4	Rising sun			
		5	Scales			
		6	Two leaves			
19	Manipur ...	1	Bicycle	1	Two bullocks with yoke on	Indian National Congress
		2	Flower	2	Ears of corn and sickle	Communist Party of India
		3	Horse	3	Tree	Samyukta Socialist Party
		4	Lion			
		5	Scales			
		6	Two leaves			
20	Pondicherry ...	1	Bicycle	1	Two bullocks with yoke on	Indian National Congress
		2	Flower			
		3	Horse			
		4	Spade	2	Elephant	People's front
		5	Scales			
		6	Tow leaves			
21	Tripura ...	1	Bicycle	1	Two bullocks with yoke on	Indian National Congress
		2	Flower			Communist Party of India (Marxist)
		3	Horse	2	Hammer, Sickle and Star	Communist Party of India
		4	Rising sun	3	Ears of Corn and Sickle	
		5	Scales			
		6	Two leaves			

Ex. 204

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PART IV—1-C

BANGALORE, THURSDAY, OCTOBER 26, 1967
(KARTHIKA 4, SAKA ERA 1889). | No. 249

ELECTION COMMISSION, INDIA.

NEW DELHI,

Dated the 18th October 1967.

CORRIGENDUM.

In the Commission's notification No. 56/67-III, dated the 26th September, 1967 published as S. O. 3483 in the *Gazette of India*, Extraordinary, Part II, Section 3, sub-section (ii), dated the 26th September, 1967, in column 2, against, 10. Mysore and 11. Orissa, the entries "5. Scales" shall be deleted, and the existing entries 6. renumbered as 5.

[No. 56/67-IV.]

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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BANGALORE, MONDAY, NOVEMBER 6, 1967
KARTHIKA 15, SAKA ERA 1889).

No. 248

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 30 RBE 67, dated Bangalore, 4th November 1967.

In pursuance of sub-rule (2) of rule 11 of the Conduct of Elections Rules, 1961, the following is published for general information :—

FORM 7-A

LIST OF CONTESTING CANDIDATES

[See *Rule 10 (1)*]

Bye-Election to the Mysore Legislative Assembly from the Tiptur Assembly Constituency.

Sl. No.	Name of Candidate	Address of Candidate	Symbol allotted
1	2	3	4
1	Manjanath, T. M.	T. M. Manjanath, Copra Merchant, Tiptur.	Two bullocks with yoke on.
2	Sivappa, V. L.	V. L. Sivappa, Cloth Merchant, Doddapet, Tiptur.	Hut

Place: Tiptur

Dated: 3rd November 1967.

M. LAKSHMINARASAPPA,
Returning Officer, Legislative Assembly Constituency, Tiptur.

M. A. AZIZ SIDDIQUI,
Under Secretary to Government, Law Department (Elections).

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PART IV—1-C

BANGALORE, TUESDAY, NOVEMBER 7, 1967
(KARTHIKA 16, SAKA ERA 1889).

No. 249

ELECTION COMMISSION, INDIA.

NEW DELHI,

Dated the 2nd November, 1967.

No. 155/MY/LC/67 (2).—In exercise of the powers conferred by sub-section (1) of Section 22 of the Representation of the People Act, 1951, the Election Commission hereby directs that the following further amendments shall be made in its notification No. 155/LC/6/61 (2), dated the 15th September, 1961, namely :—

In the table appended to the said notification—

(i) for the existing entry "2. Headquarters Assistant to Deputy Commissioner, Coorg district" in column 2 against the entry "Mysore South-West Graduates" in column 1, the entry "2. Assistant Commissioner, Mercara Subdivision, Mercara, Coorg District" shall be substituted.

(ii) for the existing entry "3. Headquarters Assistant to the Deputy Commissioner, Coorg district" in column 2 against the entry "Mysore South-West Teachers" in column 1, the entry "3. Assistant Commissioner, Mercara Sub-Division, Mercara, Coorg District" shall be substituted.

(iii) for the existing entry "2. Sub-divisional Officer and Executive Personal Assistant to the Deputy Commissioner, Coorg district" in column 2 against the entry "Mysore-*cum*-Coorg Local Authorities" in column 1, the entry "2. Assistant Commissioner, Mercara Sub-Division, Mercara, Coorg District" shall be substituted.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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PART IV—1.C

BANGALORE, TUESDAY, NOVEMBER 7, 1967
(KARTHIKA 16, SAKA ERA 1889). No. 250

ELECTION COMMISSION, INDIA

NEW DELHI,

Dated the 2nd November, 1967.

NOTIFICATION

No. 157/MY/LC/67 (2).—In exercise of the powers conferred by section 13C of the Representation of the People Act, 1950, the Election Commission hereby directs that the following further amendments shall be made in its notification No. 157/LC/6/61 (2), dated the 19th September, 1961, namely :—

In the table appended to the said notification,

(i) for the existing entry "2. Sub-divisional Officer, and Executive Personal Assistant to the Deputy Commissioner, Coorg District" in column 2 against the entry "Mysore South-West Graduates" in column 1, the entry "2. Assistant Commissioner, Mercara Sub-Division, Mercara, Coorg District" shall be substituted ; and

(ii) for the existing entry "2. Sub-divisional officer and Executive Personal Assistant to the Deputy Commissioner, Coorg District" in column 2 against the entry "Mysore-*cum*-Coorg Local Authorities" in column 1, the entry "2. Assistant Commissioner, Mercara Sub-division, Mercara, Coorg District" shall be substituted;

By Order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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PART IV—1-C

BANGALORE, WEDNESDAY, NOVEMBER 29, 1967
(MARGASIRA 8, SAKA ERA 1889)

No. 263

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 80 BBE 67, dated 29th November 1967.

In pursuance of the provisions of Section 67 of the Representation of the People Act, 1951 (43 of 1951), the following declaration is published for general information :—

DECLARATION

Bye-Election to the Mysore Legislative Assembly 53-Tiptur Constituency.

In pursuance of the provisions contained in section 66 of the Representation of the People Act, 1951, read with rule 64 of the Conduct of Elections Rules, 1961, I declare that—

Sri V. L. Sivappa,
Cloth Merchant,
Doddapet, Tiptur,

has been duly elected to fill the seat in the above constituency caused by the death of Sri M. S. Neelakantaswamy.

Place: Tiptur,

Dated: 27-11-1967.

M. LAKSHMINARASAPPA,
Returning Officer,
53-*Tiptur Assembly Constituency*.

By Order and in the name of the Governor of Mysore,

M. SYED MURSHED PEER,
Deputy Secretary to Government,
Law Department (*Elections*).

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PART IV—1-C

BANGALORE, TUESDAY, DECEMBER 19, 1967
(MARGASIRA 28, SAKA ERA 1889)

No. 292

ELECTION COMMISSION OF INDIA

NEW DELHI,
Dated the 19th December, 1967.

NOTIFICATION

No. 100/MY/HP/1/67 (1).—Whereas a vacancy has occurred in the House of the People by reason of the death of Shri M. K Shivananjappa elected to that House from Mandya Parliamentary Constituency in the State of Mysore;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 149 of the Representation of the People Act, 1951, the Election Commission hereby calls upon the said constituency to elect before the 27th January, 1968, in accordance with the provisions of the said Act, and of the rules and orders made thereunder, a person to fill the said vacancy.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission of India.

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PART IV—1-C

BANGALORE, TUESDAY, DECEMBER 19, 1967
(MARGASIRA 28, SAKA ERA 1889).

No. 293

ELECTION COMMISSION OF INDIA.

NEW DELHI,
Dated the 19th December, 1967.

NOTIFICATION

No. 100/MY/HP/1/67 (2).—In pursuance of the provisions of section 30 of the Representation of the People Act, 1951, the Election Commission hereby appoints, with respect to the bye-election to be held in the Mandya Parliamentary constituency in the State of Mysore in pursuance of its notification No. 100 MY/HP/1/67 (1), dated the 19th December, 1967.—

(*a*) the 26th December, 1967, as the last date for making nominations;

(*b*) the 27th December, 1967, as the date for the scrutiny of nominations;

(*c*) the 29th December, 1967, as the last date for the withdrawal of candidatures;

(*d*) the 21st January, 1968, as the date on which a poll shall, if necessary, be taken; and

(*e*) the 27th January, 1968, as the date before which the election shall be completed.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission of India.

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PART IV—1-C

BANGALORE, TUESDAY, DECEMBER 19, 1967
(MARGASIRA 28, SAKA ERA 1889).

No. 294

ELECTION COMMISSION OF INDIA.

NEW DELHI,
Dated the 19th December, 1967

NOTIFICATION

No. 100/MY/HP/1/67 (3).—In pursuance of section 56 of the Representation of the People Act, 1951, the Election Commission hereby fixes the hours from 8-00 A.M. to 5-00P.M. as the hours during which a poll shall, if necessary, be taken for the election to the House of the People from Mandya Parliamentary Constituency, to be held in pursuance of its notification No. 100/MY/HP/1/67 (1) dated the 19th December, 1967.

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission of India.

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PART IV—1-C

BANGALORE, FRIDAY, DECEMBER 22, 1967 (PUSHYA 1, SAKA ERA 1889). | No. 303

ELECTION COMMISSION OF INDIA.

NEW DELHI-1,
Dated the 19th December, 1967.

NOTIFICATION.

In exercise of the powers conferred by sub-rule (1) of rule 5 of the Conduct of Elections Rules, 1961, the Election Commission hereby directs that in the notification No. 56/67-III (S.O. 3483), dated the 26th September, 1967, the following amendments shall be made, namely :—

In the Table against the item "21. Tripura",—

(i) in column 3, below the entry 3, the entry "4. Plough"; and

(ii) in column 4, below the entry "Communist Party of India" the entry "Tripura Congress", shall be added.

[No. 56/67-V]

By order,

K. S. RAJAGOPALAN,
Secretary to the Election Commission.

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